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# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**VIOLENT MEXICAN TRANSNATIONAL CRIMINAL  
ORGANIZATIONS IN TEXAS: POLITICAL DISCOURSE  
AND AN ARGUMENT FOR REALITY**

by

Mathew C. Rush

September 2012

Thesis Co-Advisors:

David W. Brannan  
Patrick Miller

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<b>REPORT DOCUMENTATION PAGE</b>			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.				
<b>1. AGENCY USE ONLY (Leave blank)</b>		<b>2. REPORT DATE</b> September 2012	<b>3. REPORT TYPE AND DATES COVERED</b> Master's Thesis	
<b>4. TITLE AND SUBTITLE</b> Violent Mexican Transnational Criminal Organizations in Texas: Political Discourse and an Argument for Reality			<b>5. FUNDING NUMBERS</b>	
<b>6. AUTHOR(S)</b> Mathew C. Rush				
<b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b> Naval Postgraduate School Monterey, CA 93943-5000			<b>8. PERFORMING ORGANIZATION REPORT NUMBER</b>	
<b>9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b> N/A			<b>10. SPONSORING/MONITORING AGENCY REPORT NUMBER</b>	
<b>11. SUPPLEMENTARY NOTES</b> The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government. IRB Protocol number _____ N/A_____.				
<b>12a. DISTRIBUTION / AVAILABILITY STATEMENT</b> Approved for public release; distribution is unlimited			<b>12b. DISTRIBUTION CODE</b> A	
<b>13. ABSTRACT (maximum 200 words)</b> <p>In 2006, Mexico President Felipe Calderon, with U.S. assistance, launched a military campaign to combat Violent Mexican Transnational Criminal Organizations in attempt to disrupt the growing violence throughout Mexico. The result has been an uncontrollable drug war that has claimed more lives within Mexico than the U.S. campaigns in Afghanistan and Iraq combined. From the U.S. perspective, the threat of spillover violence emanating from Mexico is a wicked problem and one that polarizes the political discourse. Conflicting opinions about the meaning of spillover violence has driven misrepresentation of events and evidence that fuel the political narrative. Therefore, no metric for analysis can be put in place to accurately document and monitor the threat to the U.S. homeland. The term spillover violence, instead, has become the focal point. This research seeks to find a broader framework outside of political agendas that provides analysis in a systematic manner rather than focusing on semantics.</p> <p>This research identifies gaps in the understanding of how spillover violence is defined and captured within the current construct; examines current criminal metrics used to classify and report violent crime statistics; and evaluates the scope of Texas border operations dedicated toward violent crime crossing the Southwestern border.</p>				
<b>14. SUBJECT TERMS</b> Spillover Violence, Cross-Border Violence, Cartels, Texas, Mexico, Homeland Security, National Security, Political Discourse			<b>15. NUMBER OF PAGES</b> 153	
			<b>16. PRICE CODE</b>	
<b>17. SECURITY CLASSIFICATION OF REPORT</b> Unclassified	<b>18. SECURITY CLASSIFICATION OF THIS PAGE</b> Unclassified	<b>19. SECURITY CLASSIFICATION OF ABSTRACT</b> Unclassified	<b>20. LIMITATION OF ABSTRACT</b> UU	

NSN 7540-01-280-5500

Standard Form 298 (Rev. 2-89)  
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**VIOLENT MEXICAN TRANSNATIONAL CRIMINAL ORGANIZATIONS IN  
TEXAS: POLITICAL DISCOURSE AND AN ARGUMENT FOR REALITY**

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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(HOMELAND SECURITY AND DEFENSE)**

from the

**NAVAL POSTGRADUATE SCHOOL  
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## **ABSTRACT**

In 2006, Mexico President Felipe Calderon, with U.S. assistance, launched a military campaign to combat Violent Mexican Transnational Criminal Organizations in attempt to disrupt the growing violence throughout Mexico. The result has been an uncontrollable drug war that has claimed more lives within Mexico than the U.S. campaigns in Afghanistan and Iraq combined. From the U.S. perspective, the threat of spillover violence emanating from Mexico is a wicked problem and one that polarizes the political discourse. Conflicting opinions about the meaning of spillover violence has driven misrepresentation of events and evidence that fuel the political narrative. Therefore, no metric for analysis can be put in place to accurately document and monitor the threat to the U.S. homeland. The term spillover violence, instead, has become the focal point. This research seeks to find a broader framework outside of political agendas that provides analysis in a systematic manner rather than focusing on semantics.

This research identifies gaps in the understanding of how spillover violence is defined and captured within the current construct; examines current criminal metrics used to classify and report violent crime statistics; and evaluates the scope of Texas border operations dedicated toward violent crime crossing the Southwestern border.



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## **LIST OF ACRONYMS AND ABBREVIATIONS**

BSOC	Border Security Operations Center
DHS	Department of Homeland Security
FARC	Revolutionary Armed Forces of Colombia
FBI	Federal Bureau of Investigation
FY	Fiscal Year
JOIC	Joint Operation Intelligence Center
MS-13	Mara Salvatrucha -13
MSA	Metropolitan Statistical Area
NAFTA	North American Free Trade Agreement
NIBRS	National Incident Based Reporting System
OTM	Other than Mexican
PAN	National Action Party
PRI	Institutional Revolutionary Party
TTP	Tactics, techniques, and procedures
TXDPS	Texas Department of Public Safety
UCR	Uniform Crime Reports
VMTCO	Violent Mexican Transnational Criminal Organizations



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## **ACKNOWLEDGMENTS**

This journey would not have been possible without the assistance of many people. First, I would like to thank my good friend and mentor Walter Webb who introduced me to this discipline. Once again, you have opened my eyes to a new challenge.

Thank you Fire Chief Rhoda Mae Kerr and Chief of Staff Harry Evans of the Austin Fire Department; your support, leadership and conviction for this program have ultimately enabled my experience. I am confident that the knowledge I have gained will add to our great organization.

Thank you to the men and women in public service who have helped me shape this project. There are far too many of you to thank, but you know who you are.

Thank you staff and faculty of the Center of Homeland Defense and Security. Specifically, I would like to thank Heather Issvoran for believing in my ability to enter this program, and Dr. Chris Bellavita for bestowing a level of inquiry that challenges me to think outside my comfort zone while grounded in a pursuit for knowledge. Thank you to my companions in cohorts 1101 and 1102; your professionalism, dedication and friendship are the most rewarding part of all.

Thank you to my vigilant thesis advisors, Dr. Dave Brannan and Pat Miller. Your strategic thinking, knowledge, patience and guidance were instrumental to the success of this thesis.

Most importantly, I thank my beautiful wife; there is absolutely no way I could have survived this rewarding endeavor without your love and support. Thank you for the inordinate amount of time you spent reviewing my writings, holding down the homefront, and wrangling our children in my absence. To my wonderful children, may you understand that you are never too old to continue learning. I love you all.

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## I. THE PROBLEM SPACE

We have far-reaching geographic, economic, and demographic ties to Mexico and Central America, as well as a compelling national security interest in cooperating with governments in the region to succeed in our battle against transnational crime.<sup>1</sup>

### – National Southwest Border Counternarcotics Strategy

The global insatiable appetite for drugs is driving a multi-billion dollar industry<sup>2</sup> in Mexico, the ramifications of which are bringing both violence and illegal entry of drugs, persons and weapons into the United States.<sup>3</sup> Violence in Mexico has exponentially increased and is crossing the Southwest border into the United States.<sup>4</sup> The United States has embraced a law enforcement-centric strategy to combat the spreading threat while Mexico is leveraging its military resources. In 2006, Mexico President Felipe Calderon, with assistance from the United States through the Merida Initiative, launched a military campaign to combat violent groups in attempt to disrupt the growing violence. The result has been an uncontrollable drug war that has claimed more lives within Mexico than the U.S. campaigns in Afghanistan and Iraq combined.<sup>5</sup>

### A. DIFFICULTIES WITH DESIGNATIONS

Who are these violent groups? There are multiple designations attributed to the organizations responsible for violence in Mexico that is extending into the United States but there is no standard label for them. The nomenclature is quite varied and these

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<sup>1</sup> Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy* (Washington, DC: Government Printing Office, 2009), 42.

<sup>2</sup> U.S. Library of Congress, Congressional Research Service, *Southwest Border Violence: Issues in Identifying and Measuring Spillover*, by Kristin M. Finklea, William J. Krouse, and Marc R. Rosenblum, CRS Report R41075 (Washington, DC: Office of Congressional Information and Publishing, August 25, 2011), 3.

<sup>3</sup> Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*, 3.

<sup>4</sup> Texas Fusion Center, *Texas Gang Threat Assessment 2010* (Austin, TX: Texas Department of Public Safety, 2010), 16.

<sup>5</sup> Vanda Felbab-Brown, “The Violent Drug Market in Mexico and Lessons Learned from Colombia,” *Foreign Policy at Brookings* 12 (March 1, 2009): 1.

organizations are subsequently labeled for their mainstay—drugs. Throughout this research process, these groups are commonly labeled drug cartels,<sup>6</sup> drug trafficking organizations,<sup>7</sup> organized crime organizations,<sup>8</sup> foreign terrorist organizations,<sup>9</sup> and transnational criminal organizations.<sup>10</sup>

Labeling these groups as cartels is by far the most common nomenclature used in the literature. The term appears to be universally accepted and defines the operational environment with drug trafficking and the violence that associates such activities. However, labeling these Mexican groups as cartels is inaccurate, as they do not conspire with each other to set drug prices, or agree on trafficking routes and territory control as did their Colombian predecessors, the Cali and Medellin cartels.<sup>11</sup> In fact, they operate in quite the opposite manner and are in constant conflict that gives rise to the violence.

The label drug trafficking organization was common and even elevated to violent drug trafficking organization because it “recognizes that the primary (though certainly not the only) undertaking of these organizations is drug trafficking, that they are organized, and that a significant and salient part of the problem they cause is a direct result of the violence they perpetuate.”<sup>12</sup>

---

<sup>6</sup> U.S. Library of Congress, Congressional Research Service, *Mexico’s Drug Cartels*, by Colleen W. Cook, CRS Report RL34215 (Washington, DC: Office of Congressional Information and Publishing, October 16, 2007), 12.

<sup>7</sup> Peter Chalk, *Profiles of Mexico’s Seven Major Drug Trafficking Organizations* (West Point, NY: Combating Terrorism Center at West Point, 2012).

<sup>8</sup> Sam Logan, “Mexico’s Uppermost Threat is Organized Crime,” *mexidata.info*, May 1, 2006, <http://mexidata.info/id869.html>.

<sup>9</sup> Rafael Romo, “Mexican Drug Cartels Considered Terrorists?” *CNN World*, April 15, 2011, [http://articles.cnn.com/2011-04-15/world/cartels.terror\\_1\\_beltran-leyva-cartels-familia-michoacana?\\_s=PM:WORLD](http://articles.cnn.com/2011-04-15/world/cartels.terror_1_beltran-leyva-cartels-familia-michoacana?_s=PM:WORLD).

<sup>10</sup> President of the United States, *Strategy to Combat Transnational Organized Crime: Addressing Converging Threats to National Security* (Washington, DC, 2011), 9.

<sup>11</sup> Christopher Paul, Agnes Gereben Schaefer, and Colin P. Clarke, *The Challenge of Violent Drug-Trafficking Organizations* (Arlington, VA: Rand, 2011), 13.

<sup>12</sup> *Ibid.*

Recent U.S. legislation requested these groups be designated foreign terrorist organizations.<sup>13</sup> This is a notable departure and for the first time labels these groups as terrorists, perhaps creating a pathway to defining them within the parameters of national security.

As these groups have diversified their business operations away from focusing on drugs and into other illicit activities (human and weapons trafficking, kidnapping, corruption, and extortion) their designation becomes more obscure. The recent trend in literature favors labeling these groups transnational criminal organizations. The U.S. government understanding of this definition simply applies a transnational nexus to organized criminal organizations. The United Nations mentions that organized criminal groups become transnational when illicit activities are committed in more than one state, or committed in one state while planned or directed in another, and involves organized criminal group from more than one state or has substantial effects in another state.<sup>14</sup>

Classifying these groups as transnational criminal organizations requires information and intelligence on their strengths, weaknesses, and overall characteristics, and assumes they present national and international security problems.<sup>15</sup> The gap between defining a terrorist organization and transnational criminal organization has more to do with intent, but in no way diminishes the potential threat. Terrorist organizations use more of an ideology and “deliberate creation and exploitation of fear through violence or threat of violence...meant to instill fear within, and thereby intimidate, a wider target audience that might include a rival ethnic or religious group, an entire country, a national government...or public opinion in general.”<sup>16</sup> Legislation offered before Congress by Congressman Michael McCaul asserts they “operate in the

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<sup>13</sup> Congressman Michael T. McCaul, “112th Congress, 1st Session H. R. 11, to Direct the Secretary of State to Designate As Foreign Terrorist Organizations Certain Mexican Drug Cartels, and for Other Purposes, in the House of Representatives, Mr. McCaul Introduced the Following Bill,” March 28, 2011, [http://mccaul.house.gov/uploads/FTO%20Bill\\_xml1.pdf](http://mccaul.house.gov/uploads/FTO%20Bill_xml1.pdf).

<sup>14</sup> The United Nations Convention Against Transnational Crime; Tom Barry, “Transnational Criminal Organizations -- In Search of a Definition,” Border Lines Blog, entry posted June 27, 2011, <http://borderlinesblog.blogspot.com/2011/06/transnational-criminal-organizations-in.html>.

<sup>15</sup> Phil Williams, “Transnational Criminal Organisations International Security,” *Survival: Global Politics and Strategy* 36, no. 1 (January 1, 1994): 315.

<sup>16</sup> Bruce Hoffman, *Inside Terrorism* (New York, NY: Colombia Press, 2006), 199.

same manner as al Qaeda, the Taliban or Hezbollah, each sharing a desire and using tactics to gain political and economic influence.”<sup>17</sup> The situation in Mexico is certainly reminiscent of these claims, but the intent may have more to do with monetary enrichment than political influence.

These Mexican groups are using terrorist tactics, but are they terrorist organizations? Evidence supports they use fear-induced intimidation and coercion against the civilian population, government authorities (both in Mexico and the United States), rival groups and political leaders for the sole purpose of making money. These groups are slow to engage fully on the U.S. side of the border as they have done in Mexico, quite simply because it is not within their financial interest to bring the weight of U.S. authorities onto their operations.<sup>18</sup> They intimidate and kill freely to further their financial cause and appear to regenerate as quickly as they are dismantled. Historically, when drug trafficking operations are hindered by law enforcement or military operations, these groups switch to other illicit activities, such as human and weapons smuggling, kidnapping and extortion to further their business plans.

For the purpose herein, the framework used to describe these groups is Violent Mexican Transnational Criminal Organization (VMTCO). The designation offers a clear picture of the transnational nexus these groups afford within Mexico and to the U.S. Southwestern border, as well as the widespread and brutal violence they inflict without pause.

VMTCOs are responsible for widespread violence throughout Mexico and the ensuing spillover into the United States. For example, the Los Zetas VMTCO has already targeted U.S. authorities and the civilian populace. On February 15, 2011, two U.S. Immigration and Customs Enforcement agents were assassinated on the Mexico side of

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<sup>17</sup> Congressman Michael T. McCaul, “McCaul Seeks to Classify Mexican Drug Cartels as Terrorists,” March 30, 2011, <http://mccaul.house.gov/common/popup/popup.cfm?action=item.print&itemID=1161>.

<sup>18</sup> U.S. Library of Congress, Congressional Research Service, *Southwest Border Violence: Issues in Identifying and Measuring Spillover*, 8.

the border in their government vehicle.<sup>19</sup> The motive of the assassination has not yet been made public, but this was the first attack on U.S. authorities directly attributed to a VMTCO since 1983.<sup>20</sup> In contrast, on May 14, 2011, the Los Zetas VMTCO was responsible for the massacre of 72 Guatemalan migrant farm workers—men, women and children, several of which were decapitated—that clearly communicated “the killing of the farm workers was intended to spread fear and send a distinct message: If you cross the Zetas you will pay.”<sup>21</sup> These incidents serve as reminders about the violent nature of VMTCOs toward the civilian populace in both the United States and Mexico.

## **B. BACKGROUND**

Mexico continues to experience higher levels of violence largely due to the continuous power play for control of lucrative smuggling routes throughout Mexico and into the United States.<sup>22</sup> Widespread corruption and murder of law enforcement officials and their families led President Felipe Calderon to mobilize the Mexican military against VMTCO activities to maintain stability in the country.<sup>23</sup> Mexico’s current strategy is to reduce the level of violence, not necessarily eliminate VMTCOs.<sup>24</sup>

### **1. Violence**

2010 and 2011 have produced the highest levels of violence Mexico has experienced and is largely due to the continuous power play for control of smuggling

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<sup>19</sup> Immigration and Customs Enforcement agents Jamie Zapata and Victor Avila were assassinated during the course of official duties. Jared Taylor, “Zetas Likely Behind Fatal Attack on ICE Agents in Mexico; Brownsville Native Killed,” *The Monitor*, February 16, 2011, <http://www.themonitor.com/articles/agents-47143-ice-mcallen.html>.

<sup>20</sup> Ibid. Drug Enforcement Agency special agent Enrique “Kiki” Camarena was kidnapped, tortured and murdered by the Guadalajara cartel on February 9, 1983.

<sup>21</sup> STRATFOR, *Implications of the Massacre in Guatemala’s Peten Department* (Austin, TX, May 2011).

<sup>22</sup> U.S. Library of Congress, Congressional Research Service, *Mexico’s Drug Trafficking Organizations: Source and Scope of Rising Violence*, by June S. Beittel, CRS Report R41576 (Washington, DC: Office of Congressional Information and Publishing, August 3, 2012), 9.

<sup>23</sup> STRATFOR, *Mexican Drug Wars: Bloodiest Year to Date* (Austin, TX, 2011).

<sup>24</sup> Aimee Rawlins, “Mexico’s Drug War,” *Backgrounder* (December 13, 2011).



routes into the United States by VMTCOs.<sup>25</sup> The violence in Mexico has reached unprecedented levels; since 2006, there have been over 50,000 deaths directly attributed to VMTCO violence in Mexico (not totally inclusive of VMTCO-on-VMTCO violence)<sup>26</sup> with 11,600 in 2010 alone (a 70% increase from 2009).<sup>27</sup> Preliminary statistics released under pressure by the government of Mexico indicate 12,903 deaths as of October 2011 and do not account for the final quarter of the year; at the time of the tally, the government of Mexico attributed 47,453 deaths to the drug war.<sup>28</sup> The rise in murders is also accompanied by “increasing brutality, intimidation, and attacks on members other than those directly involved in the illicit drug trade (e.g., security forces and governmental officials).”<sup>29</sup>

VMTCOs take advantage of modern social media and communication methods to intimidate the populace, rival VMTCOs and government agencies, and are breeding insecurity and fear with a terrorist methodology. Their increasing reliance on the use of beheadings showcased on YouTube is one powerful example. Beheadings resurfaced on the Western landscape in 2002 with the beheading video of Central Intelligence Agency operative Daniel Pearl by radical Islamists. The intent of beheadings in this construct is a form of asymmetrical warfare meant to show the strength of a much smaller force and “counter to what the civilized West can tolerate.”<sup>30</sup> Videotaped beheadings by radical Islamists may have globalized this tactic, as it appears VMTCOs are increasingly relying on this modality to send a message.

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<sup>25</sup> STRATFOR, *Mexican Drug Wars: Bloodiest Year to Date*.

<sup>26</sup> STRATFOR, *Mexican Drug War 2011 Update* (Austin, TX, 2011).

<sup>27</sup> STRATFOR, *Mexican Drug Wars: Bloodiest Year to Date*.

<sup>28</sup> Cory Molzahn, Viridiana Ríos, and David A. Shirk, *Drug Violence in Mexico: Data and Analysis Through 2011* (San Diego, CA, 2012), 9.

<sup>29</sup> U.S. Library of Congress, Congressional Research Service, *Southwest Border Violence: Issues in Identifying and Measuring Spillover*, 15.

<sup>30</sup> Lisa J. Campbell, “The Use of Beheadings by Fundamentalist Islam,” *Global Crime* 7, no. 3–4 (November 1, 2006): 602.

The progression of VMTCO beheadings first began as a way to send a message to rival VMTCOs.<sup>31</sup> It progressed quickly to show a sign of force and intimidation tactic against Mexican government forces. However, on September 6, 2006, members of the La Familia Michoacána VMTCO entered a crowded discothèque and lobbed five severed heads onto the dance floor.<sup>32</sup> This marked the first time in Mexico that beheadings were used as propaganda and designed to instill fear in the local populace.<sup>33</sup> These trends all continue present day as beheadings of rival VMTCO members, government officials, and innocent bystanders seem a common occurrence. In the first two weeks of May 2012 alone, there were 81 VMTCO related beheadings in Mexico.<sup>34</sup>

Other forms of VMTCO communication are also synonymous with terrorist tactics in that they are didactic, used for recruitment, and purely coercive.<sup>35</sup> VMTCOs use narcomantas—written messages on blankets or large billboards strategically placed in plain sight—to post propaganda claiming or disavowing recent atrocities to coerce the civilian populace,<sup>36</sup> rival VMTCOs,<sup>37</sup> the U.S. government,<sup>38</sup> and the Mexican

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<sup>31</sup> Members of the Guatemalan Special Forces, known as the “Kaibiles” used decapitations in Guatemala. In 2000, members of Kaibiles were recruited by and became the enforcement arm of the Gulf Cartel. Called Los Zetas, they split from the Gulf Cartel in 2010 to form a separate cartel.

<sup>32</sup> George W. Grayson, *La Familia Drug Cartel: Implications for U.S.-Mexican Security* (Carlisle, PA: Strategic Studies Institute, 2010), vii.

<sup>33</sup> Ibid., viii.

<sup>34</sup> Will Grant, “Mexico Violence: Fear and Intimidation,” *BBC News, Latin America and Caribbean*, May 14, 2012, <http://www.bbc.co.uk/news/world-latin-america-18063328>.

<sup>35</sup> Hoffman, *Inside Terrorism*, 199.

<sup>36</sup> The Knights Templar has populated the Michoacán area with narcomantas proclaiming its (new) presence. Of note, these messages offer commitment to the civilian populace and protection from rival cartels and corrupt law enforcement. STRATFOR, *Mexican Drug War 2011 Update*.

<sup>37</sup> On May 4, 2012, 14 bodies of alleged Los Zetas members bodies were found in Nuevo Laredo with a narcomanta from the Sinaloa cartel claiming responsibility. George Friedman, “Mexico Plagued by Narcomantas and Body Dumps,” *The Cutting Edge*, May 24, 2012, <http://www.thecuttingedgenews.com/index.php?article=73739&pageid=20&pagename=Security>.

<sup>38</sup> On July 27, 2011, members of the Juarez cartel placed narcomantas threatening DEA and U.S. Consulate members with decapitation or dismemberment if they continued “meddling.” Alejandro Martínez-Cabrera, “New Banner Threatens US Agents,” *El Paso Times*, August 24, 2011, [http://www.elpasotimes.com/news/ci\\_18743465](http://www.elpasotimes.com/news/ci_18743465).

government.<sup>39</sup> VMTCOs also continue to quell media reporting and are increasing attacks on journalists and innocent civilians that marks a departure from past practices of refraining from targeting civilians.<sup>40</sup>

Violence in Mexico and the threat of ensuing spillover violence<sup>41</sup> into the United States are concrete problems resulting directly from VMTCO drug, human and weapon trafficking activities. Spillover violence threatens the United States. At face value, spillover violence entails violence crossing the U.S. border from Mexico, but there is no universally accepted definition. Its mere mention appears to immediately polarize the political (and public) discourse, and without a definition it is a subjective—yet powerful—label used by both sides to subjugate the true impact of VMTCO activities into the United States.

## **2. Drugs**

Illicit trafficking operations across the Southwest border are allowing illegal entry of drugs, persons and weapons. VMTCOs are the major suppliers of drugs into the United States from Mexico.<sup>42</sup> In 2010, U.S. law enforcement drug seizures along the Southwest border included 2,535,003 pounds of cocaine, methamphetamine, heroin and marijuana,<sup>43</sup> yet federal law enforcement estimates indicate only 10 to 20 percent of the total amount of available drugs were actually seized.<sup>44</sup> Drug trafficking is the most profitable venue

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<sup>39</sup> The El Milenio cartel placed narcomantas in the town of Jalisco threatening the Governor with an all-out war on the civilian populace if he did not remove certain rival factions from within his police force. Conciencia Radio, (n.d.), [http://www.concienciaradio.com/narco\\_mensaje\\_gdl.htm](http://www.concienciaradio.com/narco_mensaje_gdl.htm).

<sup>40</sup> In June 2012, unidentified cartels launched a series of car bombings at media outlets along the Texas-Mexico border in Nuevo Laredo, Tamaulipas and Monterrey, Nuevo Leon. Pro8News, “Wrap-Up: Nuevo Laredo Friday Car Bomb,” June 30, 2012, <http://www.pro8news.com/news/local/Wrap-Up-Nuevo-Laredo-Friday-Car-Bomb-160946865.html>.

<sup>41</sup> U.S. Library of Congress, Congressional Research Service, *Southwest Border Violence: Issues in Identifying and Measuring Spillover*, 12.

<sup>42</sup> *Ibid.*, 5.

<sup>43</sup> Customs and Border Protection fiscal year 2011 report. U.S. Customs and Border Protection, “United States Border Patrol, Apprehensions/Seizure Statistics—Fiscal Year 2011,” (n.d.), [http://www.cbp.gov/linkhandler/cgov/border\\_security/border\\_patrol/usbp\\_statistics/fy\\_profile\\_2011.ctt/fy\\_profile\\_2011.pdf](http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/fy_profile_2011.ctt/fy_profile_2011.pdf).

<sup>44</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border* (Washington, DC: Government Printing Office, 2007), 3.

for the VMTCOs<sup>45</sup> and they have established far-reaching bases of operation deep within the United States by way of the Southwest border.<sup>46</sup> Currently, there are over 1,000 cities with known VMTCO activity within the United States.<sup>47</sup>

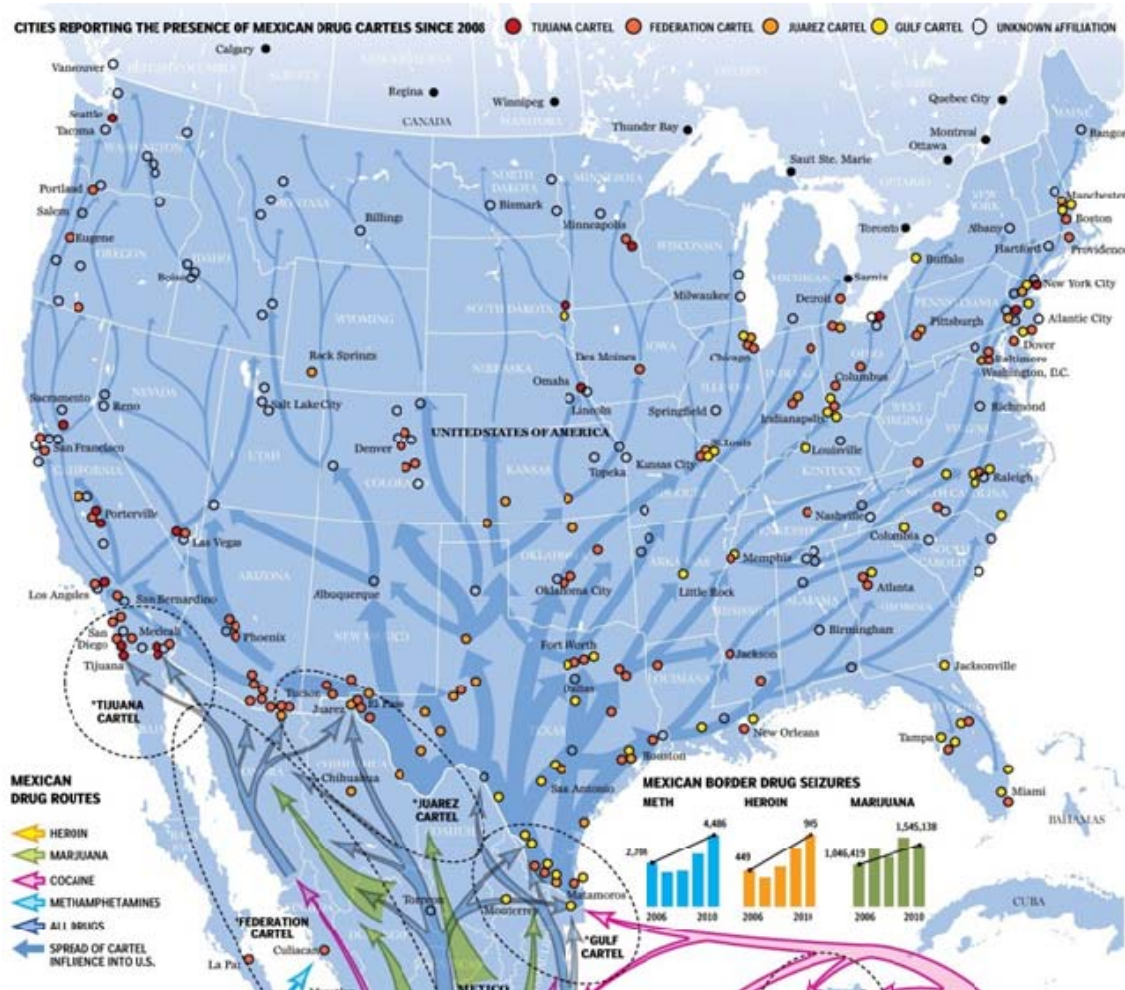


Figure 1. VMTCOs' Spreading Influence into the United States<sup>48</sup>

<sup>45</sup> Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*, 26.

<sup>46</sup> U.S. Library of Congress, Congressional Research Service, *Southwest Border Violence: Issues in Identifying and Measuring Spillover*, 8–10.

<sup>47</sup> National Gang Intelligence Center, *National Gang Threat Assessment: Emerging Trends* (Washington, DC, 2011).

<sup>48</sup> Jonathon Rivait and Richard Johnson, "Graphic: Mexican Drug Cartels' Spreading Influence, Invasion of the Drug Cartels," *National Post*, July 13, 2012, <http://news.nationalpost.com/2012/07/13/mexican-drug-cartels-spreading-influence-graphic/>.

### 3. Human Trafficking and Smuggling

VMTCOs are branching out their operations and human trafficking has become a profitable venue. Similar to drug interdiction statistics, federal law enforcement estimates only 10% to 30% of illegal aliens are apprehended.<sup>49</sup> In contrast, a 2012 analysis of government statistics completed by the Pew Foundation suggests illegal immigration into the United States is holding steady due to economic challenges from the U.S. recession, an increase in border management efforts, and changes in social demographics in Mexico.<sup>50</sup> The analysis claims a “net-zero” gain, meaning illegal immigrants are still entering the United States while others choose to return to Mexico. However, the study does not account for illegal immigrants who repeatedly cross the border (both ways) for drug, weapon or human smuggling and trafficking nor does it take into consideration special interest aliens.

Specific to this discussion on human trafficking is the classification of special interest aliens, given to the rising influx of other than Mexican nationalities<sup>51</sup> entering the United States through Mexico. In 2005, 1.2 million illegal aliens were apprehended of which 165,000 were other than Mexican; 650 of which were from one of 35 special interest countries “designated by the intelligence community as countries that could export individuals that could bring harm to our country in the way of terrorism.”<sup>52</sup> The Department of Homeland Security (DHS) reported a 41% increase in apprehension of special interest aliens along the Texas-Mexico border from 2002–2006 including numerous accounts of special interest aliens from countries, such as Lebanon, Iran, Syria, and Jordan, as well as Islamic radical organizations, such as Hezbollah.<sup>53</sup> DHS maintains

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<sup>49</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 3.

<sup>50</sup> Jeffrey Passell, D’Vera Cohn, and Ana-Gonzales-Barrera, *Net Migration from Mexico Falls to Zero—and Perhaps Less* (Washington, DC: The Pew Foundation, 2012).

<sup>51</sup> Other than Mexican (OTM) is an official CBP designation.

<sup>52</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 2–3.

<sup>53</sup> *Ibid.*, 27.

463,000 illegal aliens were apprehended on the Southwest border in 2010<sup>54</sup> and claims this is due to fewer persons attempting to illegally cross the border. However, in 2010, there were 663 special interest alien apprehensions.<sup>55</sup> Despite a 60% reduction in illegal alien apprehensions from 2005–2010, special interest alien apprehensions remained constant. There is a financial incentive for special interest alien human smuggling operations as they can bring upwards of \$60,000 per alien.<sup>56</sup>

#### **4. Weapons Trafficking**

Weapon trafficking across the U.S. Southwest border is a significant issue as well. DHS reports 6,800 weapons<sup>57</sup> were seized during fiscal years 2009 and 2010 on the Southwest border resulting in a 22% increase from 2008. The *2010 National Drug Threat Assessment* indicates that the large portion of these weapons are traveling from the United States into Mexico, arming VMTCO members and contributing to the escalating violence in Mexico.<sup>58</sup> Although the assessment indicates VMTCOs have a role in this weapons smuggling, it stops short of assigning percentage of involvement.

VMTCOs are no longer limited to drug trafficking, although it continues to be their lead source of revenue. Human and weapons trafficking are proving to be fertile territory as these organizations expand their empires.

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<sup>54</sup> Department of Homeland Security, “Secretary Janet Napolitano, before the Senate Committee on Homeland Security and Governmental Affairs: “Securing the Border: Progress at the Federal Level,”” May 3, 2011, [http://www.dhs.gov/ynews/testimony/testimony\\_1304459606805.shtm](http://www.dhs.gov/ynews/testimony/testimony_1304459606805.shtm).

<sup>55</sup> Dorothy Pullo, “U.S. Customs & Border Patrol Statistics,” *Judicial Watch*, February 17, 2011, <http://www.judicialwatch.org/files/documents/2011/cbp-foia-response-02172011.pdf>.

<sup>56</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 14.

<sup>57</sup> Department of Homeland Security, “Testimony of Commissioner Alan Bersin, U.S. Customs and Border Protection, Before the Senate Caucus on International Narcotics Control, “Money Laundering and Bulk Cash Smuggling Along the Southwest Border,”” March 9, 2011, [http://www.dhs.gov/ynews/testimony/testimony\\_1299698014975.shtm](http://www.dhs.gov/ynews/testimony/testimony_1299698014975.shtm).

<sup>58</sup> Supplied by the National Drug Intelligence Center, which was closed on June 15, 2011 by the Department of Justice per Congressional mandate. U.S. Department of Justice, “National Drug Intelligence Center, National Drug Threat Assessment 2010,” Document ID: 2010-Q0317-001, February 2010, <http://www.justice.gov/archive/ndic/pubs38/38661/>.

## 5. Transnational Gang Affiliation

The definition of spillover violence is more complicated than equating violence in Mexico with synonymous acts within the United States. There are second and third order effects stemming from the VMTCO framework and a discussion about the VMTCOs must include commentary on their affiliation with transnational gangs. The VMTCOs engage in various illicit trafficking and violent crime activities for the sole purpose of making money and have positioned themselves as wholesale distributors after learning from the experiences of the Cali and Medellin cartels in the 1980s and 1990s. The Colombian cartels did not want to become involved directly in street-level operations and risk increased law enforcement actions. Instead, they approached the Bloods and Crips (rival gangs in Los Angeles, California) to become retail distributors of illegal drugs.<sup>59</sup> The resulting alliances devastated Los Angeles neighborhoods as violence increased dramatically.<sup>60</sup> VMTCOs have followed suit and recruited Hispanic street gangs, prison gangs and outlaw motorcycle gangs to become retail distributors. VMTCOs, however, have taken the relationship one step further and are using the different gangs for smuggling operations, debt collection, and enforcement.<sup>61</sup>

Federal law enforcement estimates VMTCOs utilize relationships with over 20 of these groups<sup>62</sup> but the gangs do not show particular allegiance to any one VMTCO and sometimes act as regional outlets for multiple VMTCOs at a time.<sup>63</sup> The VMTCO

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<sup>59</sup> Robert J. Kelly, Jess Maghan, and Joseph D. Serio, *Illicit Trafficking* (Santa Barbara: ABC-CLIO, Inc., 2005), 15.

<sup>60</sup> Independent Lens, “Crips and Blood: Made in America,” (n.d.), <http://www.pbs.org/independentlens/cripsandbloods/timeline.html>.

<sup>61</sup> Supplied by the National Drug Intelligence Center, which was closed on June 15, 2011 by the Department of Justice per Congressional mandate. United States Department of Justice, National Drug Intelligence Center, “Attorney General’s Report to Congress on the Growth of Violent Street Gangs in Suburban Areas, National-Level Gang-Drug Trafficking Organization Connections,” April 2008, <http://www.justice.gov/archive/ndic/pubs27/27612/national.htm>.

<sup>62</sup> Ibid.

<sup>63</sup> Texas Fusion Center, *Texas Gang Threat Assessment 2010*, 17.

relationship with transnational gangs also serves to broaden money-laundering opportunities for illicit trafficking proceeds.<sup>64</sup>

The *2010 Texas Gang Threat Assessment* states that transnational gangs are the most significant organized crime threat to the State of Texas because of their affiliation with VMTCOs.<sup>65</sup> The Texas Department of Public Safety defines transnational gangs “as gangs that regularly and systematically conduct criminal activity across national borders ...the essence of transnational gangs is that they transcend international boundaries in order to conduct criminal activity.”<sup>66</sup> The *2010 Texas Gang Threat Assessment* asserts that VMTCOs are increasing their reliance on transnational gangs to spread illicit trafficking operations throughout the United States in at least 1,000 of the cities cited previously. As the relationship fosters, illicit trafficking operations and the violence that accompanies them are expected to increase.<sup>67</sup> These transnational gangs already account for up to 60% of crime in major cities in Texas.<sup>68</sup> The relationship is purely and beneficially financial; the gangs have access to wholesale drug prices while VMTCOs expand their network. Under the direction of VMTCOs, transnational gangs extend drug, human and weapons smuggling operations into the United States,<sup>69</sup> act as enforcers and commit “acts of violence” on behalf of VMTCOs, and “have a history of carrying out assaults, kidnappings, and murders in Texas on orders from cartels [VMTCOs].”<sup>70</sup> For example:

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<sup>64</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 15.

<sup>65</sup> Texas Fusion Center, *Texas Gang Threat Assessment 2010*, 2.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid., 11.



- The transnational Mara Salvatrucha (MS-13) transnational gang has ties to VMTCOs dating back to at least 2005<sup>71</sup> and extensive connections in Central America (they originated in El Salvador), Mexico and the United States. Therefore, they provide VMTCOs with an appetizing and large network for smuggling operations.<sup>72</sup>
- Historically, MS-13 has close ties with the (rival) Sinaloa and Los Zetas VMTCOs. MS-13 serves in a “mercenary capacity” for both of these VMTCOs in addition to performing kidnappings and assassinations.<sup>73</sup>
- MS-13 members are actively recruited by these rival VMTCOs for their propensity for violence and dedication in an attempt to mount VMTCO strongholds on the Texas-Mexico border.<sup>74</sup>

Conceptualizing an acceptable definition of spillover violence will need to include the nexus to transnational gangs. This complicates the discourse surrounding the topic, as many transnational gang members are U.S. citizens.

## 6. Actions and Policies

In 2006, Mexican President Calderon launched Operation Secure Mexico to combat police and political corruption in cities with a significant VMTCO presence.<sup>75</sup> Operation Secure Mexico has deployed over 50,000 military troops throughout Mexico to combat VMTCO operations.<sup>76</sup> Mexican military forces have been more successful than local law enforcement against VMTCOs for three reasons. First, their exposure to coercion and bribery (whether monetary or physical) is drastically reduced compared with local law enforcement<sup>77</sup> because the military is able to rotate resources so that forces are not tied to one location and subject to corruption.<sup>78</sup> However, the military has been at

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<sup>71</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 12.

<sup>72</sup> Texas Fusion Center, *Texas Gang Threat Assessment 2010*, 19.

<sup>73</sup> Ibid., 30.

<sup>74</sup> Ibid.

<sup>75</sup> U.S. Library of Congress, Congressional Research Service, *Mexico’s Drug Cartels*, 10.

<sup>76</sup> Rawlins, “Mexico’s Drug War.”

<sup>77</sup> STRATFOR, *Mexican Drug Wars: Bloodiest Year to Date*.

<sup>78</sup> STRATFOR, *Mexico Security Memo: Michoacán Alter LFM Chief’s Arrest* (Austin, TX, June 27, 2011).

war with VMTCOs since 2006 and the risk of corruption is now significantly higher.<sup>79</sup> Second, the Mexican military is better trained to match VMTCO military tactics. VMTCOs have amassed military weaponry and utilize military tactics to overwhelm their opposition whether it is rival VMTCOs, civilians or government forces.<sup>80</sup> Third, the Mexican military is nationally mobile, united and equipped. However, the Mexican military is limited by its size and ability to cover the entire country and VMTCOs have taken advantage of geography and challenged military resources to be in all places at once.

President Calderon's military success has not been without controversy. Military involvement might be a leading factor in the recent escalation of VMTCO violence<sup>81</sup> and the military's use with internal security matters is a topic of legislation. In early 2010, the Mexican Congress passed addendums to the National Security Law that attempts to clarify the use of military forces in a domestic capacity. One of the driving forces behind this legislation stems from an increase in human rights violations committed against civilians by members of the military.<sup>82</sup> Proponents of the legislation maintain the military will be used as a "last resort" and "there will be much more certainty about what the Armed Forces can and can't do; there will be much more protection for innocent citizens caught in the middle of this fight against organized crime."<sup>83</sup> President Calderon has since introduced the Federal Police as a newly structured law enforcement agency<sup>84</sup> designed to assist military operations with civil matters.<sup>85</sup> Opponents, however, maintain,

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<sup>79</sup> STRATFOR, *Mexican Drug Wars: Bloodiest Year to Date*.

<sup>80</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 22–23.

<sup>81</sup> Rawlins, "Mexico's Drug War."

<sup>82</sup> Human Rights Watch, *Neither Rights Nor Security: Killings, Torture, and Disappearances in Mexico's "War on Drugs"* (New York, NY, 2011).

<sup>83</sup> Latin America News Dispatch, "Mexico's Congress Considers Changing Security Law to Control Drug War Violence," April 27, 2011, <http://latindispatch.com/2011/04/27/mexicos-congress-considers-changing-security-law-to-control-drug-war-violence/>.

<sup>84</sup> The idea is that members of the Federal Police are highly trained, better paid, and less susceptible to coercion and bribery from the cartels.

<sup>85</sup> STRATFOR, *Mexican Drug Wars: Bloodiest Year to Date*.

“that neither citizens nor Congress will have any say on how and when military force is used”<sup>86</sup> and accentuates that the fight against VMTCOs is taking its toll on Mexico.

The United States, in cooperation with Mexico, has increased efforts on the Southwest border in many ways to counter VMTCO activities. For example, to date, the United States has appropriated \$700 million to the Merida Initiative, a long-term effort put in place to bolster regional assets and capabilities needed to reduce criminal activity in Mexico.<sup>87</sup> The state of Texas launched Operation Rio Grande<sup>88</sup> to assist Mexico with combating border crime.<sup>89</sup> DHS launched the Secure Border Initiative<sup>90</sup> to increase enforcement personnel on the border. In addition, the National Guard deployed 6,000 personnel to the Southwest border under Operation Jump Start from 2006–2008 to assist the U.S. Customs and Border Protection agency with administrative duties, intelligence and observational gathering services, and infrastructure projects.<sup>91</sup> In turn, the U.S. Customs and Border Protection agency focused on increasing personnel and concentrating on law enforcement activities geared toward illegal immigration. National Guard service members were specifically used in supportive roles and restricted from directly contributing to law enforcement duties due to anticipated political tensions

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<sup>86</sup> Latin America News Dispatch, “Mexico’s National Security Law Proposal Prompts Human Rights Concerns,” April 28, 2011, <http://latindispatch.com/2011/04/28/mexicos-national-security-law-proposal-prompts-human-rights-concerns/>.

<sup>87</sup> Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*, 1. The Merida Initiative includes technology enhancements at airports, maritime ports and on the border.

<sup>88</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 32–33.

<sup>89</sup> The strategy of Operation Rio Grande “focuses on four key areas: 1) increased patrols and law enforcement presence; 2) centralized of command, control, and intelligence operations; 3) increased State funding and deployment of State resources for border security; and 4) enhanced utilization of technology to fight border crime.”

<sup>90</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 35. “SBI includes: expanded detention and removal capabilities to eliminate “catch and release”; a comprehensive and systemic upgrading of the technology used in controlling the border, including increased manned aerial assets, expanded use of unmanned aerial vehicles (UAVs), and next-generation detection technology; increased investment in infrastructure improvements at the border—providing additional physical security to sharply reduce illegal border crossings; and greatly increased interior enforcement of our immigration laws including more robust worksite enforcement.”

<sup>91</sup> Ibid.; National Guard, Sgt. Jim Greenhill, “Operation Jump Start a Success, Officials Say,” (n.d.), [http://www.ng.mil/news/archives/2006/12/121106-OJS\\_success.aspx](http://www.ng.mil/news/archives/2006/12/121106-OJS_success.aspx).

between the U.S. and Mexico governments.<sup>92</sup> In May 2010, due to the success and tangible results of Operation Jump Start,<sup>93</sup> President Obama redeployed 1,200 National Guard troops to the Southwest border under the same guise.

The United States and Mexico must continue working together to combat VMTCO activities and violence. The United States and Mexico relationship is based on “trade and investment, migration and tourism, environment and health concerns, and family and cultural relationships.”<sup>94</sup> Open, secure and free routes of trade are imperative between the two countries. “Mexico is the second most important trading partner of the United States, and this trade is critical to many U.S. industries and border communities.”<sup>95</sup> VMTCO activities are threatening this relationship; hence, the need to directly and vigorously address the violence and other associated problems those activities create.

### **C. THE THREAT**

The cartels “operating today along the Southwest border are far more sophisticated and dangerous than any other organized criminal groups in American law enforcement history.”<sup>96</sup>

Transnational gangs and subsequent illegal aliens affiliated with VMTCOs purposefully smuggle drugs, persons and weapons into the United States. The violence that exists in Mexico around these operations accompanies them inside the Southwest border. Violence is used as mediation in disputes in Mexico because trafficking activities

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<sup>92</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 35; National Guard, Sgt. Jim Greenhill, “Operation Jump Start a Success, Officials Say.”

<sup>93</sup> Ibid.

<sup>94</sup> U.S. Library of Congress, Congressional Research Service, *Mexico’s Importance and Multiple Relationships with the United States*, by K. Larry Storrs, CRS Report RL33244 (Washington, DC: Office of Congressional Information and Publishing, January 18, 2006), 2.

<sup>95</sup> Ibid.

<sup>96</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 7.

already operate outside legal parameters.<sup>97</sup> This violence has slowly moved toward and across the Southwest border. “Spillover violence into the United States may look similar to the recent surge of violence in Mexico...this increasing violence has been seen through a rise in both the number of drug trafficking-related murders and the brutality of the murders. It is also taking the forms of increasing intimidation and fear, attacks on security forces, assassinations of high-ranking officials, growing arsenals of weapons, and indiscriminate killing of civilians.”<sup>98</sup>

The symbiosis of VMTCOs and transnational gangs will increase the level of violence on the Southwestern border.<sup>99</sup> Transnational gangs are smaller, but evolving versions of VMTCOs in that “the cartel [VMTCO] connections also increase the likelihood that gangs in Texas will expand their involvement in Mexican cartel violence that occurs in the state, either by carrying it out on behalf of the cartels or creating gang rivalries that mirror the gang alliances with competing cartels.”<sup>100</sup> Thus, VMTCO activities are spreading violence across the Southwestern border and directly affecting the United States.

#### **D. POLITICAL DISCOURSE**

Texas shares the majority of the U.S. Southwestern border with Mexico and is center stage in the battle to combat VMTCOs. Discourse—meaning, verbal and written rhetoric—over the security of the border infuses Texas politics at the local, state and national levels. Local border-town law enforcement agencies lead the charge against securing communities from the effects of spillover violence, but offer competing narratives on its true impact. The state has mobilized resources to its southern flank and spent over \$200 million dollars in federal grant funds toward securing the border. Texas Senators, Congressional members, Mayors and the Governor’s Office fuel the political discourse with grandiose claims and insouciant rhetoric about the effects of spillover

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<sup>97</sup> U.S. Library of Congress, Congressional Research Service, *Southwest Border Violence: Issues in Identifying and Measuring Spillover*, 11.

<sup>98</sup> *Ibid.*, 13.

<sup>99</sup> Texas Fusion Center, *Texas Gang Threat Assessment 2010*, 20.

<sup>100</sup> *Ibid.*

violence on Texas communities. The federal government has exponentially increased resources to the Southwestern border and maintains it is safer now than ever before.

Mexico continues to establish itself as a dominant economic force, is the third largest trading partner for the United States, and seeks to expand its economic position globally. Mexico will continue to globalize through legitimate economic forums, such as the North American Free Trade Agreement (NAFTA) and the Pacific Alliance with South America and East Asia.<sup>101</sup> The literature indicates Mexico, like the United States, is a prideful nation and will not be denigrated by its northern neighbor. Recent events between the two nation's leaders have confirmed this and that violence caused by VMTCOs is center stage within the political discourse.

## **E. METRICS**

Without an agreed upon definition of spillover violence, there continues to be conflicting opinions and misrepresentation of events and evidence to serve the political goal of those using the term. Thus, no metric for analysis can be put in place to accurately gauge and monitor the threat to the U.S. homeland. Without this, metric funding and resource allocations are difficult to appropriately place in the contemporary homeland security fiscal environment.

Using an inexact term like spillover violence as a singular determinant on the effects of VMTCO operations into Texas is dangerous. This failed method does not reflect the strategic thinking needed, nor does it fit with the goals that each side in the political debate have stated they would like to achieve—that of a safer homeland.<sup>102</sup> The term has become the focus and this research seeks to find a broader framework outside of the political agendas involved to provide critical analysis in a systematic manner rather than continuing the redefinition game.

In addition to arson, murder and assault (hallmarks of the VMTCO framework within Mexico), other criminal and problematic activities include corruption of public

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<sup>101</sup> Kelly, Maghan and Serio, *Illicit Trafficking*, 26.

<sup>102</sup> Both sides of the border want safer homelands but may not be willing to sacrifice political positions; admitting there are problems potentially threatens the ultimate goal of political control.

officials, kidnapping, and extortion. How these crimes are reported is being used to either bolster or obviate the real impact of the violence taking place so that the term rather than objective metrics become the story. Violence is an obvious and tangible threat of VMTCO activities moving across the Southwest border. Corruption, kidnapping and extortion used together with violence exhibits a much greater strategic threat to the U.S. way of life—less than 50 miles from the Southwestern border—than many want to recognize. Effectively labeling the issue “spillover violence” can no longer be the focus for finding metric to deal with this challenge. Finding an effective analytical framework for decision making related to the myriad of border issues may allow the United States to get beyond what has become a political football with real and dangerous consequences.

## **F. RESEARCH QUESTIONS**

### **1. How to Effectively Judge the Threat of VMTCO Violence**

The term “spillover violence” has been used to describe a threat to the United States that is emanating from Mexico as a result of the drug war with VMTCOs. The term has become politicized and manipulated to bolster political agendas rather than effective homeland security positions. In an effort to replace the political discourse with research-based analysis, this thesis asks, could an analytical framework for decision making based on available open-sourced evidence help homeland security decision makers more effectively judge issues impacted by VMTCO violence?

### **2. How to Accurately Measure VMTCO Violence**

A corollary to this overarching question of analytical frames questioned above is the issue of how to identify a metric that captures the impact of VMTCO violence and its impact in the United States. Does approaching this issue through analytical frameworks rather than political terms like “spillover violence” make it possible to identify metrics for measuring the impact of VMTCO violent crime along the Southwestern border? What might those be?

## **G. METHODOLOGY AND ANALYSIS**

The methods used within this thesis to collect and analyze information surrounding what has been widely called spillover violence include the literature review, an examination into the process of criminal metrics, and an evaluation of Texas border security operations. The literature review is used to identify gaps in the understanding of how spillover violence is defined and captured within the current local, state and federal construct. The examination of criminal metrics reviews law enforcement methods to classify and report violent crime statistics. The evaluation of border security operations examines the cost, resources and scope of combating border violence and VMTCO activities.

Data collected for this thesis is taken primarily from published open-source materials and news media. The VMTCO environment is dynamic and changing daily; therefore, media outlets are an important source. The Federal Bureau of Investigation (FBI) Uniform Crime Reports (UCR) program is identified within the literature as a method used to assert conclusions about spillover violence and crime. Data concerning rules and regulations of the UCR program, as well as annual crime indexes for Texas border cities and major metropolitan areas are taken directly from the UCR program database.

The literature suggests that the state of Texas is experiencing significant violence and other impacts that follow from violence because of VMTCO conflict. The government conducts border operations to combat these current and potential future threats. Strategies, cost, resource allocation and metrics used to quantify the impact of VMTCO violence and crimes are obtained from public materials.

This analysis includes a discussion about the terminology and origin of spillover violence rampant throughout the political discourse. An examination of various definitions and intentions is examined through the lens of rising violence. The analysis dissects the aspects of the FBI UCR program specific to violent crimes and examines the



multiple layers of reporting requirements and how it may affect final crime metrics. Finally, the analysis also examines different components and tangible results of Texas border operations and how they are used for efficiency in documenting threats specific to VMTCOs.

The goal of this thesis is to provide a framework for effective decision making related to how VMTCO violence is defined and measured relative to its use and impact within the political discourse. It examines existing methods of defining and characterizing spillover violence, and challenges UCR program methodology as the sole metric for determining VMTCO violence as it stands today. Furthermore, it offers a snapshot into Texas border operations related to the challenge in an effort to illustrate important issues that should be considered by Homeland Security decision makers in a structured and systematic manner—rather than based upon what has become politically charged language. An analysis of VMTCO violence relative to UCR program metrics, coupled with data from existing border operations, will be used to formulate recommendations and allow decision makers to pursue a safer homeland through analytical rather than political frameworks.

## II. LITERATURE REVIEW

For the U.S., the political measurement is based on perceptions about spillover violence along the border.<sup>103</sup>

The literature review follows a thematic construct centered on spillover violence. Analyzing the historical progression of VMTCOs and the accompanying political narrative produces resultant layers at the international, national and state levels that help frame the discourse surrounding spillover violence in terms of homeland security. The literature is unanimous that the VMTCO threat and subsequent violence have increased in Mexico since the beginning of Calderon's crusade against VMTCOs in 2006. However, once that discussion crosses the Southwest border into Texas, the literature becomes polarizing, inferring that either spillover violence has increased dramatically or the situation is politically inflated and there is no threat at all.<sup>104</sup> A majority of the literature surrounding U.S.-Mexico relations concentrates more on immigration policy, valuable economic trade and drug reduction efforts. Central to this thesis is a focus within the literature on the topic of spillover violence and whether it presents a threat to the United States. The threat posed by VMTCOs directly against the citizens of Mexico has drastically increased since 2006, but the political discourse surrounding U.S. and Mexico relations dates far earlier. Historically, both nations' strategic policy decisions have affected one another whether intentional or not. Jose Cuevas' discussion on balloon effects categorizes these second-order effects as a result from pressure (e.g., strategic policy) applied to a specific location, causing those activities to migrate to another location and continue.<sup>105</sup> Nowhere is this more present today than along the Southwestern border as Mexican President Calderon wages a battle against VMTCOs.

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<sup>103</sup> Woodrow Wilson International Center for Scholars, *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, and Andrew Selee (Washington, DC, 2010), 24.

<sup>104</sup> Adam Isacson and Maureen Meyer, *Beyond the Border Buildup: Security and Migrants Along the U.S.-Mexico Border* (Washington, DC: Washington Office on Latin America, 2012), 6.

<sup>105</sup> Jose Rodriguez Cuevas, "The Balloon Effects and Mexican Homeland Security: What It Means to be the Weakest Link in the Americas' Security Chain" (master's thesis, Naval Postgraduate School, 2011), 19.

Hyper-violent battles for control of lucrative plazas—gateways into Texas through border towns—are one of the many impacts of the Mexican drug war. The political discourse surrounding these balloon effects often becomes a blame game between the two nations as Mexico blames the United States for poor gun control laws and an insatiable appetite for drugs (demand) while the United States blames Mexico for an inability to curtail drug supply and violence. During an international summit on economic cooperation and trade between Mexico, the United States and Canada, Mexico President Felipe Calderon warned that VMTCOs are operating freely on both sides of the U.S.-Mexico border and blamed the rise in violence and deaths in Mexico on lax U.S. automatic gun control laws.<sup>106</sup>

Despite a significant increased VMTCO presence in Texas,<sup>107</sup> the literature and political discourse are neither concrete nor universal in agreement regarding spillover violence along and within the Southwest border. VMTCO activities are dynamic and changing daily. Therefore, this literature review focuses on the most current literature available across academic theses, scholarly works, governmental publications and testimony, and news media. The literature review addresses the origins of past and present political discourse, spillover violence claims, and the current and future threat.

## A. HISTORY

A review of the literature must include a brief, albeit simplistic, historical account of the progression of contemporary borders that began during the Texas Revolution and continued into the Mexican-American War. The Texas Revolution had its roots in Mexican immigration policy into the Mexican State of Coahuila y Tejas,<sup>108</sup> aspirations amongst *Texians* (U.S. immigrants in Coahuila y Tejas) for separate statehood, and

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<sup>106</sup> Kathleen Hennessey, “Mexican President Calderon Calls for Assault Weapon Ban in U.S.,” April 2, 2012, *Los Angeles Times*, <http://www.latimes.com/news/politics/la-pn-mexican-president-calderon-calls-for-assault-weapon-ban-in-us-20120402,0,2971857.story?track=rss&dlvrit=56325>.

<sup>107</sup> U.S. Department of Justice, “National Drug Threat Assessment 2011,” Document ID: Product No. 2011-Q0317-001, August 2011, 8.

<sup>108</sup> Mexico outlawed further immigration from the United States into Coahuila y Tejas, increased taxes on existing immigrants, raised tariffs on goods imported from the United States, outlawed slavery (common among U.S. immigrants for the production of cotton) and mandated Catholicism.

Mexico's transition from a federalist model of government to centralism.<sup>109</sup> The Treaties of Velasco were signed on April 14, 1836 and ended the Texas Revolution, but neither the treaties nor the geographic boundaries were recognized by Mexico. This ultimately led to the Mexican-American War 10 years later.<sup>110</sup> Following the Texas Revolution, the Republic of Texas sought statehood within the rapidly expanding United States. Proponents of the annexation cited the idea of manifest destiny—divine sanction for territorial expansion—of the United States. President James K. Polk attempted negotiations with Mexico to establish geographical borders at the Rio Grande River as opposed to the Nueces River claimed by Mexico.<sup>111</sup> Mexico refused to negotiate and the U.S. military was ordered into Matamoros at the Rio Grande River to establish the new border by force. Mexico considered this an act of war, pre-emptively attacked U.S. forces<sup>112</sup> and the Mexican-American War ensued.<sup>113</sup> This war ended with the signing of the Treaty of Guadalupe Hidalgo on February 2, 1848; thus, ceding modern day borders of California, Arizona, New Mexico and Texas to the United States.<sup>114</sup> Mexico's defeat remains a milestone in the relationship between the two countries when considering contemporary rhetoric surrounding Mexican national pride versus U.S. imperialism.

It is important to remember these historical accounts because they play a pivotal role in contemporary political and cultural views on efforts along the Southwest border, particularly when these efforts involve sovereignty issues between either nation. U.S. military Generals McCafferey and Scales support this claim in their *Texas Border Security: A Strategic Military Assessment* by stating VMTCOs take advantage of this situation and form narco-sanctuaries within the United States in attempt to further illicit

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<sup>109</sup> Texas State Historical Association: A Digital Gateway to Texas History, "Texas Revolution," (n.d.), <http://www.tshaonline.org/handbook/online/articles/qdt01>.

<sup>110</sup> Texas State Historical Association: A Digital Gateway to Texas History, "Treaties of Velasco," (n.d.), <http://www.tshaonline.org/handbook/online/articles/mgt05>.

<sup>111</sup> The Nueces River is north of the Rio Grande River.

<sup>112</sup> President Polk's statement "American blood has been shed upon American soil!" was used as a rallying cry for military action among his supporters.

<sup>113</sup> Texas State Historical Association: A Digital Gateway to Texas History, "Mexican War," (n.d.), <http://www.tshaonline.org/handbook/online/articles/qdm02>.

<sup>114</sup> Texas State Historical Association: A Digital Gateway to Texas History, "Treaty of Guadalupe Hidalgo," (n.d.), <http://www.tshaonline.org/handbook/online/articles/nbt01>.

activities and avoid Mexican military enforcement.<sup>115</sup> The Rio Grande acts as an area of quasi-sanctuary and incursions of military and law enforcement personnel from either country are strictly forbidden, thus making it somewhat of a safe haven for VMTCO members. Suspected VMTCO members intentionally drive vehicles into the Rio Grande River when fleeing Texas law enforcement and are met with boats in the river from accomplices on the Mexico side. The Texas Department of Public Safety (TXDPS) has witnessed over 60 such acts since 2009 and terms this common VMTCO evasive tactic a “splashdown.”<sup>116</sup>

The geography of the border has become somewhat of a sticking point for 21st century political discourse. According to *The National Security Archive* at *The George Washington University*, “American Presidents have used the border, in particular, as a bargaining chip, holding it hostage during tricky or troublesome negotiations when the United States was determined to get its way.”<sup>117</sup> President Nixon’s 1969 Operation Intercept is one such example that still affects 21st century political discourse today. In an effort to launch a “concerted frontal attack on the illegal importation into and subsequent illegal sale and use of marijuana, narcotics and dangerous drugs in the United States,”<sup>118</sup> and force the Mexican government to go after drug smugglers, a coordinated U.S. border security initiative essentially shut down the entire 2,000 mile Southwest border with minimal level of consultation with the government of Mexico. To make matters worse, the operation was planned and implemented without the knowledge of the State Department that was responsible for diplomatic relations with Mexico. The government of Mexico was furious, as were several U.S. agencies.<sup>119</sup> G. Gordon Liddy, a

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<sup>115</sup> Barry R. McCaffrey and Robert H. Scales, *Texas Border Security: A Strategic Military Assessment* (Austin, TX: Texas Department of Public Safety, 2011), 17.

<sup>116</sup> Texas Department of Public Safety, “Mexican Cartel Related Activity,” (n.d.), <http://www.txdps.state.tx.us/PublicInformation/cartelCrimeStats.htm>.

<sup>117</sup> The National Security Archive, *Operation Intercept: The Perils of Unilateralism* (The George Washington University, April 13, 2003).

<sup>118</sup> Ibid.

<sup>119</sup> President Nixon was forced to cancel Operation Intercept under diplomatic and internal pressure.

senior advisor to the Treasury Department at the time, stated that Operation Intercept was “an exercise in international extortion, pure, simple, and effective, designed to bend Mexico to our will.”<sup>120</sup>

Interestingly, reactions from opponents to Operation Intercept and the inaugural “war on drugs” were centered more on the potential negative effects to legitimize economic trade and immigration due to long lines and closed points of entry rather than the original intent of disrupting the flow of drugs into the United States. This same narrative continues today (almost verbatim) as President Obama and President Calderon advocate for an open border. What is missing is a frank discussion on the threat or presence of spillover violence between the two countries. A 2012 travel advisory from the United States State Department warned Americans to avoid several tourist destinations in Mexico due to drug violence. The warning cited a 343% increase in Americans murdered while in Mexico, as well as an increase in kidnappings since the inception of Calderon’s war against VMTCOs.<sup>121</sup> This spike in violence is synonymous with an exponential rise of violence in Mexico. The state of Texas followed suit and cautioned travelers against traveling to Mexico for Spring Break. Mexico was furious. “Mexican Ambassador to the United States Arturo Sarukhan chastised Texan officials for their advisory. ‘As their number one trading partner and largest export market, Mexico believes Texas should be able to more objectively evaluate facts, providing nuance and context, and in doing so, dispel the notion that their motivation is a clear-cut political agenda.’”<sup>122</sup> The political narrative quickly turned from discussions centered on violence

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<sup>120</sup> G. Gordon Liddy, *Will: The Autobiography of G. Gordon Liddy* (New York City: St. Martin’s Press, 1996), 185–6.

<sup>121</sup> Randy Kreider, “Spring Break Travel Warning: Mounting Drug Violence in Mexico,” *abc News, The Blotter*, February 10, 2012, <http://abcnews.go.com/Blotter/spring-break-travel-warning-mounting-violence-mexico/story?id=15555646>.

<sup>122</sup> Trevor J. Ladd, “Texas Warns Spring Breakers to Steer Clear of Mexico,” *abc News, The Blotter*, March 7, 2012, <http://abcnews.go.com/Blotter/texas-warns-spring-breakers-steer-clear-mexico/story?id=15868650>.

to the importance of economic trade and tourism. In turn, President Obama sent his 13-year old daughter (along with 12 friends and 25 Secret Service agents) to Mexico for Spring Break vacation.<sup>123</sup>

The history of relationships between VMTCOs and previous Mexican government administrations also bears mentioning. The Institutional Revolutionary Party (PRI), formed in the late 1920s following the Mexican Revolution, remained the dominant centralized leadership for the majority of the 20th century. During the PRI's tenure, it ruled with a hegemonic mindset and "maintained order and stability through both implicit and explicit arrangements" with nefarious groups that included drug trafficking organizations.<sup>124</sup> Essentially, this symbiotic relationship permitted drug trafficking organizations to operate with impunity in respective regions while granting PRI affiliates both political stability and financial gain. In *Perceptions and Attitudes about Corruption and Democracy in Mexico*, John Bailey and Pablo Paras address how corruption became an institutionalized societal mainstay during this time.<sup>125</sup> Political corruption was known and understood by the Mexican citizenry, but did not involve the level of violence experienced in Mexico today. The violence seems to be the tipping point in the modern Mexican political narrative as current and potential political leaders are claiming to end widespread violence throughout the country by stopping the use of the military against VMTCOs. Today's discourse does not openly admit to returning to the historical relationship between the PRI and VMTCOs, but it is evident within the literature that violence and the VMTCO threat are out of control and in need of attention.<sup>126</sup>

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<sup>123</sup> Fox Nation, "The Telegraph: Malia Obama Guarded by 25 Secret Service Agents on Spring Break in Mexico," March 19, 2012, <http://nation.foxnews.com/malia-obama/2012/03/19/malia-obama-guarded-25-secret-service-agents-spring-break-mexico>.

<sup>124</sup> George W. Grayson, *Mexico: Narco-Violence and a Failed State?* (New Brunswick, NJ: Transaction Publishers, 2011), 2.

<sup>125</sup> John Bailey and Pablo Paras, "Perceptions and Attitudes About Corruption and Democracy in Mexico," *Mexican Studies* 22, no. 1 (Winter 2006): 57–86.

<sup>126</sup> Eduardo Guerra Guiteierrez, *Security, Drugs and Violence in Mexico: A Survey* (Washington, DC: 7th North American Forum, 2011), 9.

Two events during the 1980s are important to note concerning the relationship between the PRI, the United States, and VMTCOs. Most significantly, the assassination of U.S. Drug Enforcement Agent Enrique “Kiki” Camarena in Guadalajara, Mexico on February 9, 1983, exposed the corrupt relationship between the PRI, Mexican Federal Security Directorate,<sup>127</sup> Mexican Federal Judicial Police, and the Guadalajara cartel. The resulting U.S.-led investigation publically attributed Camarena’s murder to the political elite, Mexican security forces, and the Guadalajara cartel. While this relationship was not surprising in Mexico, it was unthinkable within the United States. U.S. pressure was formative in fracturing the symbiotic relationship between the PRI, police and Guadalajara cartel ultimately allowing smaller VMTCOs to rise to power.<sup>128</sup> In line with the theory on balloon effects, the Guadalajara cartel split into the Juarez, Tijuana and Sinaloa VMTCOs, all of which have a substantial role in the present day hyper-violence and corruption. The Vicente Carrillo Fuentes VMTCO—the Juarez VMTCO—is positioned within the second most violent city in the world.<sup>129</sup> Violence in Ciudad Juarez, Chihuahua and the ramifications upon its border city, El Paso, Texas, are front and center in current political discourse. Despite rising violence in Juarez, DHS Secretary Janet Napolitano recently claimed El Paso, Texas as the safest U.S. city with no discernible spillover violence.<sup>130</sup>

Second, the success of the U.S. counter-narcotic campaign against Colombian drug trafficking routes effectively shut down cocaine shipments into the United States via the Caribbean.<sup>131</sup> The U.S. appetite for drugs persuaded the Colombians to start shipping

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<sup>127</sup> The Mexican Federal Security Directorate was formed in 1947 with a mission of preserving the interior security of Mexico from all acts of subversion and terrorism. It was disbanded in 1984. Texas Archival Resources Online, “Dirección Federal de Seguridad (Mexico) Security Reports, 1970–1977,” (n.d.), <http://www.lib.utexas.edu/taro/utlac/00200/lac-00200.html>.

<sup>128</sup> Maureen Meyer, Coletta Younger, and Dave Bewley-Taylor, *At a Crossroad: Drug Trafficking, Violence and the Mexican State*, ed. Washington Office On Latin America (Washington, DC, 2007), 3.

<sup>129</sup> Justice in Mexico Project, “Cuidad Juárez: No Longer Most Dangerous City in the World,” January 13, 2012, <http://justiceinmexico.org/2012/01/13/cuidad-juarez-no-longer-most-dangerous-city-in-the-world/>.

<sup>130</sup> Juan Carlos Llorca, “Napolitano: US Border Towns with Mexico Are Safe,” *Borderland Beat*, March 24, 2011, <http://www.borderlandbeat.com/2011/03/napolitano-us-border-towns-with-mexico.html>.

<sup>131</sup> Ted Galen Carpenter, *Bad Neighbor Policy: Washington’s Futile War on Drugs in Latin America* (New York City: Palgrave Macmillan, 2003), 169.



cocaine via Mexico into the United States. Thus, VMTCOs were placed in a more profitable role and subsequent strategic threat in drug trafficking throughout Mexico and into the United States. VMTCOs currently control cocaine shipments from South America into the United States.

In 2000, challenging National Action Party (PAN) party delegate Vicente Fox won the Presidential election, ushering in democratic rule for the first time in more than 70 years. While President Fox initiated the first military incursions against VMTCOs, an economic resurgence in 2006 allowed succeeding PAN President Felipe Calderon to shift the security focus of Mexico to a campaign on battling drug trafficking organizations. In 2006, as a precursor to his National Security Strategy, Calderon launched a campaign against VMTCOs utilizing Mexican military forces, the effects of which are debated amongst politicians, scholars and Mexican citizens alike. Proponents indicate Calderon's strategy has decimated top-tier leaders of the major VMTCOs in Mexico, weakening and fracturing some to a point that they are no longer a real threat. As proof, the Tijuana, Juarez and Gulf VMTCOs have lost significant control of their territories. Conversely and in line with Cuevas' discussion on balloon effects,<sup>132</sup> opponents attribute Calderon's strategy to the enormous rise in violence and over 50,000 deaths, increased hyper-violence in areas where VMTCOs battle for territorial control, and the spread of illicit activity (with subsequent hyper-violence) into new regions. However, according to a 2011 Pew poll, while 45% of Mexicans think the government is "losing ground" in the fight against VMTCOs, 83% recommend further use of military action to control the situation.<sup>133</sup>

Calderon's military strategy is contested in the 2012 Mexico Presidential elections. Calderon is not eligible for re-election, but PAN party conservative nominee Josefina Vazquez Mota has pledged to continue Calderon's strategy toward combating VMTCOs, and therefore, by default, some argue, increased violence in Mexico. The PRI

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<sup>132</sup> Cuevas, "The Balloon Effects and Mexican Homeland Security: What it Means to be the Weakest Link in the Americas' Security Chain."

<sup>133</sup> Pew Research Center Publications, "Crime and Drug Cartels Top Concerns in Mexico; Fewer Than Half See Progress in Drug War," August 31, 2011, <http://pewresearch.org/pubs/2094/mexico-mexican-army-drug-traffickers-cartels-united-states-troops>.

platform, however, is capitalizing on negative public reaction to increased violence. The PRI party nominee Enrique Peña Nieto has indicated he will reduce violence in the country by ending aggressive military deployments against VMTCOs in favor of a truce leading to some memorandum of understanding with one or more VMTCOs.<sup>134</sup> This is vividly reminiscent of PRI politics during the latter half of the 20th century. This political discourse is not lost on the major VMTCOs as the Los Zetas VMTCO is attempting to influence the 2012 Presidential election through intimidation and violence, and the Sinaloa VMTCO is generally viewed to be the favorite of the PRI.<sup>135</sup> Either way, VMTCOs are expected to indirectly (and perhaps directly) influence the outcome of political elections in Mexico.

## **B. ISSUES**

Perhaps the most polarizing and sporadic discussion throughout the literature rests on what extent VMTCO violence is spilling over the Southwestern border. Spillover violence alone does not encompass the enormity of the VMTCO threat to Mexico and the United States. Rather, McGee, Joel and Edson contend in *Mexico's Cartel Problem: A System's Thinking Perspective* spillover is but one systemic enabler to a much larger network of issues with a genesis in both Mexico (economic underdevelopment, a dysfunctional educational system, corruption) and the United States (drug demand).<sup>136</sup> However, the Woodrow Wilson Center of International Scholars maintains neither the political nor public discourse view the VMTCO threat with a lens that sees beyond a perception of spillover violence and drug smuggling.<sup>137</sup> The issue is further complicated by a convoluted political narrative that does not agree on the concept(s) or definition(s) of spillover violence. Discussions about spillover violence are camouflaged from headlines

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<sup>134</sup> STRATFOR, *New Mexican President, Same Cartel War?* (Austin, TX, 2011).

<sup>135</sup> Carmen Álvarez, "Former DEA and CIA Operatives: Los Zetas May Attempt to Overthrow Mexican Government in 2012 (Using U.S. Government Weapons)," *Border Beat*, July 21, 2011, <http://www.borderlandbeat.com/2011/07/los-zetas-may-attempt-to-overthrow.html>.

<sup>136</sup> Sibel McGee, Michael Joel, and Robert Edson, *Mexico's Cartel Problem: A System's Thinking Perspective*, ed. Applied Systems Thinking Institute, Analytical Service, and Inc. (Arlington, VA, n.d).

<sup>137</sup> Woodrow Wilson International Center for Scholars, *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, 24.

as border literature focuses more on immigration policy, economic trade, security and drug reduction programs. DHS claims the Southwestern border is more secure now than at any time in its 87-year history and offers a montage of accolades to staffing levels on its website.<sup>138</sup> Congressional testimony offers conflicting views on the scope of violence within the United States due to VMTCO activities. Testimony by DHS before the U.S. Senate states violent crime along the border is falling rapidly while increasing in Mexico.<sup>139</sup> Yet, other Congressional testimony lies at the opposite end of the spectrum and claims spillover violence is so significant in both U.S. border towns and communities that VMTCO activity is a concern to homeland security.<sup>140</sup> Therefore, the central claims within this thesis focus on an obvious gap in the literature as to what extent spillover violence is occurring, how it is defined, and if it will continue to get worse.

The Merida Initiative is the largest Western hemispheric strategy and a \$1.4 billion aid package from the United States to Mexico and Central America designed to combat drug trafficking and transnational organized crime.<sup>141</sup> The Merida Initiative was funded for fiscal years (FY) 2007–2010 and centered around four pillars: disrupt organized crime operations, institutionalize the capacity to sustain the rule of law, create a 21st century border structure, and build strong and resilient communities.<sup>142</sup> Although conceived by a previous administration, the Merida Initiative was instrumental in enabling President Calderon to launch his offensive against VMTCOs as initial funding was spent largely on equipment (such as helicopters) and training. According to scholar Dr. Richard Downie, this level of international cooperation against combating

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<sup>138</sup> Department of Homeland Security, “Secure and Manage Our Borders,” (n.d.), [http://www.dhs.gov/xabout/gc\\_1240606351110.shtm#1](http://www.dhs.gov/xabout/gc_1240606351110.shtm#1).

<sup>139</sup> U.S. Senate, Committee on Homeland Security and Governmental Affairs, *Exploring Drug Gangs’ Ever-Evolving Tactics to Penetrate the Border and the Federal Government’s Ability to Stop Them: Hearing, Before the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs*, 112th Cong. 1st sess., March 31, 2011, Homeland Security Digital Library, Naval Postgraduate School.

<sup>140</sup> U.S. House, Committee on Homeland Security, *On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence*, 112th Cong., 1st Session, May 11, 2011, Homeland Security Digital Library, Naval Postgraduate School.

<sup>141</sup> U.S. Library of Congress, Congressional Research Service, *Merida Initiative for Mexico and Central America: Funding and Policy Issues*, by Clare Ribando Seelke and June S. Beittel, CRS Report R40135 (Washington, DC: Office of Congressional Information and Publishing, June 1, 2009), 2.

<sup>142</sup> *The Four Pillars of Merida* (Public Affairs Section of the U.S. Embassy Mexico City, n.d.).

transnational organized crime has resulted in the best U.S.-Mexico defense relations in decades.<sup>143</sup> However, the violence has dramatically increased in Mexico since the Merida Initiative's inception, corruption is still a problem and policy critics are surfacing. The Merida Initiative certainly appeared to accomplish the first pillar of disrupting organized crime, but not necessarily as anticipated given the dramatic increase in violence. Dr. Ray Walser and the Heritage Foundation maintain the political discourse is taking the Merida Initiative in the wrong direction.<sup>144</sup> Violence in Mexico has reached unprecedented levels and is still plagued by police corruption and decreasing public support for current government policies toward combating VMTCO activities. Walser maintains the current U.S. political narrative has accepted blame for Mexico's problems rather than take a tough stance to implement a strategic anti-narcotics plan in the Western Hemisphere, enhance law enforcement and military cooperation amongst the two countries, and address a national strategy policy focusing on diplomacy and reducing drug demand.<sup>145</sup> He maintains there is an impending confrontation with VMTCO activities and the accompanying violence that will continue to creep into U.S. border communities by "dangerous hybrid forms of 'paramilitary terrorism' with 'guerilla tactics.'" <sup>146</sup> The Congressional Research Service agrees and maintains the Merida Initiative operates under the premise that violence in Mexico is spilling over into the United States and "it is proving difficult for the United States and Mexico to overcome decades of mistrust in order to work together to implement Mérida."<sup>147</sup> The political discourse of this hemispheric strategy is challenged by both contemporary ramifications of the drug war and the history of the sovereignty of both nations.

Official federal government reports are unanimous in declaring violence in Mexico is a potential threat to the United States, but the term "spillover violence" is

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<sup>143</sup> Dr. Richard Downie, "Critical Strategic Decisions in Mexico: The Future of US/Mexican Defense Relations," *Strategic Issues in US/Latin American Relations* 1, no. 1 (July 12, 2011): 5.

<sup>144</sup> Ray Walser, "U.S. Strategy Against Mexican Drug Cartels: Flawed and Uncertain," *Backgrounder* no. 2407 (April 26, 2010): 1.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*, 3.

<sup>147</sup> U.S. Library of Congress, Congressional Research Service, *Merida Initiative for Mexico and Central America: Funding and Policy Issues*, 15.

rarely used. The *2011 Strategy to Combat Transnational Organized Crime* defines transnational organized crime as “those self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms.”<sup>148</sup> The report goes on to say transnational organized criminal organizations either use or threaten to use violence in order to further their activities, includes VMTCOs as a leading problem in the Western Hemisphere, and maintains the Southwestern border is “vulnerable.”<sup>149</sup> Applying these statements toward VMTCO activities along the Southwestern border supports that spillover violence is occurring, yet it is not directly addressed within the report. Likewise, the 2009 *National Southwest Border Counternarcotics Strategy*, obviously targeted directly toward VMTCOs, makes no mention of spillover violence. Rather, it aims to reduce “associated instruments of “violence,” suggesting that the term “spillover violence” is not an accepted term within the political narrative.<sup>150</sup> DHS Secretary Napolitano supports this claim when she stated the *National Southwest Border Counternarcotics Strategy* is critical for U.S. efforts to stop “cross-border” violence.<sup>151</sup> Again, the Secretary’s statement infers that cross-border violence—also known as spillover violence—is occurring and in need of a strategy to stop it, but refrains from using the term spillover. On the heels of a dramatic rise in violence along the Southwestern border, U.S. Customs and Border Protection released a new border security strategy in 2012. It is the first

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<sup>148</sup> President of the United States, *Strategy to Combat Transnational Organized Crime: Addressing Converging Threats to National Security*.

<sup>149</sup> *Ibid.*, 6, 9.

<sup>150</sup> President of the United States, *National Southwest Border Counternarcotics Strategy* (Washington, DC, 2009), 5.

<sup>151</sup> Office of National Drug Control Policy, Press Release dated June 5, 2009.

border security strategy since 2004 and the start of President Calderon's military battle against VMTCOs. There is no mention of spillover violence in the 2012 border security strategy.<sup>152</sup> Instead, it makes two casual references of the need to protect against cross-border violence.

*Texas Border Security: A Strategic Military Assessment*, a commissioned report by the state of Texas from two retired military commanders and academic scholars, paints a much more daunting picture that significantly widens the political discourse. It states, "living and conducting business in a Texas border county is tantamount to living in a war zone in which civil authorities, law enforcement agencies as well as citizens are under attack around the clock. The Rio Grande River offers little solace to the echoes of gunshots and explosions. News of shootings, murders, kidnappings, beheadings, mass graves and other acts of violence coming across the border go far beyond any definition of "spillover violence."<sup>153</sup> This claim is not supported in any manner by the *2012–2016 Border Patrol Strategic Plan* at the federal level and a prime example of the polarizing political discourse surrounding spillover across the border.

The literature supports violence is increasing across the border when discussing the relationship between U.S. street and prison gangs and Mexican VMTCOs. The 2011 *National Gang Threat Assessment and Emerging Trends* claims this relationship has caused an increase in violence along the porous Southwest border region "as US-based gangs seek to prove their worth to the drug cartels, compete with other gangs for favor, and act as US-based enforcers for cartels which involves home invasions, robbery, kidnapping, and murder."<sup>154</sup> The *2011 Texas Gang Threat Assessment* agrees. For example, Barrio Azteca is a U.S. street gang (that recruits heavily in the U.S. prison system) centered in El Paso, Texas. Barrio Azteca is roughly 3,000 members strong and acts as the enforcement arm for Vicente Carrillo Fuentes VMTCO located in Juarez, Chihuahua. Barrio Azteca and the Vicente Carrillo Fuentes VMTCO operate in true

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<sup>152</sup> U.S. Customs and Border Protection, *2012–2016 Border Patrol Strategic Plan* (Washington, DC, 2012).

<sup>153</sup> McCaffrey and Scales, *Texas Border Security: A Strategic Military Assessment*, 10.

<sup>154</sup> National Gang Intelligence Center, *National Gang Threat Assessment: Emerging Trends*, 34.

transnational form on both sides of the Southwestern border with documented hyper-violence that includes murder, kidnapping, assault, and intimidation.<sup>155</sup> As mentioned previously, El Paso, Texas and Juarez, Chihuahua are breeding grounds for political discourse centered upon the presence of spillover violence.

Many government publications defer specific discussions on spillover violence to a 2011 Congressional Research Service report entitled *Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence*. The report is direct and concludes there is neither an accepted definition of spillover violence nor a definitive method available to determine if and to what extent it is occurring.<sup>156</sup> The authors attempt to balance anecdotal accounts of spillover violence with documented accounts from the FBI Uniform Crime Reports (UCR) program and claim there is no way for analysts to discern what portion of violent crimes are attributed to spillover violence. What they omit is a problem in the Uniform Crime Reporting methodology and how violent crimes are chronicled, rather than a lack of spillover violence. What makes spillover violence anecdotal is the lack of a congruent framework in which to establish its existence.

The FBI UCR program is used by pundits on both sides of the aisle to claim or disprove spillover violence. The 2011 *National Drug Threat Assessment* suggests spillover violence is not yet significant<sup>157</sup> and cites a statistical analysis of the UCR program<sup>158</sup> in U.S. cities with known VMTCO activity. However, recent Congressional testimony offers a contradictory account between the federal policy makers who advocate spillover violence is minimal or absent, and state and local law enforcement officials who claim otherwise.<sup>159</sup> TXDPS Director Steve McCraw states the UCR program fails to include all aspects of known VMTCO tactics, techniques and procedures—such as

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<sup>155</sup> Texas Fusion Center, *Texas Gang Threat Assessment 2011* (Austin, TX: Texas Department of Public Safety, 35).

<sup>156</sup> U.S. Library of Congress, Congressional Research Service, *Southwest Border Violence: Issues in Identifying and Measuring Spillover*, 19.

<sup>157</sup> U.S. Department of Justice, “National Drug Threat Assessment 2011,” 17.

<sup>158</sup> The FBI UCR is used by DHS and news media to support the assertion that spillover violence is minimal.

<sup>159</sup> U.S. House, Committee on Homeland Security, *On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence*.

kidnapping, extortion, corruption, smuggling of humans and weapons, recruitment and affiliations with transnational gangs—within the term spillover violence and claims this oversight omits an accurate reflection of the threat.<sup>160</sup> DHS Secretary Napolitano and El Paso Mayor John Cook recently claimed El Paso, Texas as the safest U.S. city of its size<sup>161</sup> despite being opposite Juarez, Chihuahua, one of the most violent cities in the world.<sup>162</sup> During Congressional testimony, McCraw states 2009 FBI UCR program data for El Paso was used to support Napolitano’s claim. According to McCraw, murders in El Paso, Texas are up 1,200% from 2010–2011 due to VMTCO violence.<sup>163</sup>

This is not the only polarizing testimony before the U.S. Congress. The 111th U.S. Congress held over 20 hearings dealing with violence in Mexico and the threat to the United States and the 112th Congress shows a similar interest to monitoring the threat.<sup>164</sup> Questions arise as to whether this should be a local public security issue or a national security threat.<sup>165</sup> In testimony before the Senate Select Committee on Intelligence, Director of National Intelligence James R. Clapper states VMTCOs are responsible for the hyper-violence in Mexico and Central America, but the United States is not likely to experience spillover violence from Mexico.<sup>166</sup> Clapper maintains the violence is due to control of lucrative trafficking routes and widespread government corruption.<sup>167</sup> In a position paper from the James A. Baker III Institute for Public Policy, Gary Hale commends Clapper for his “objective and well-balanced review of the security situation facing both nations” and dispelling “the myth that violence is uncontrollably

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<sup>160</sup> U.S. House, Committee on Homeland Security, *On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence*, 24.

<sup>161</sup> Llorca, “Napolitano: US Border towns with Mexico Are Safe.”

<sup>162</sup> Justice in Mexico Project, “Cuidad Juárez: No Longer Most Dangerous City in the World.”

<sup>163</sup> U.S. House, Committee on Homeland Security, *On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence*.

<sup>164</sup> U.S. Library of Congress, Congressional Research Service, *Mexico’s Drug Trafficking Organizations: Source and Scope of Rising Violence*, 2.

<sup>165</sup> U.S. Library of Congress, Congressional Research Service, *Merida Initiative for Mexico and Central America: Funding and Policy Issues*, 15.

<sup>166</sup> James R. Clapper, *Unclassified Statement for the Record on the Worldwide Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence* (Washington, DC, 2012), 24.

<sup>167</sup> *Ibid.*



spilling over and into the United States.”<sup>168</sup> Hale admits there is spillover violence from Mexico, but asserts that it is only in border towns, usually between drug traffickers and, therefore, not a threat to the interior United States. He supports this claim with violent crime rates in major metropolitan cities like Detroit, Michigan and New Orleans, Louisiana that are significantly higher than any Southwestern border town.

Clapper’s testimony, however, does not address the argument that control of lucrative trafficking routes between warring VMTCOs (and the subsequent cause of violence) occurs along Texas border plazas, such as Matamoras-Brownsville, Reynosa-McAllen, Nueva Laredo-Laredo, and Juarez-El Paso. In each of these plazas, there is constant battle for control between the Gulf, Los Zetas and Sinaloa VMTCOs. In testimony before the U.S. House of Representatives Committee on Homeland Security, Zapata County, Texas Sheriff Sigifredo Gonzales, Jr. stated there is constant spillover violence along Texas border counties that comes in the form of kidnappings, car jackings and auto theft, home invasions, shootings, threats and intimidation against civilians and law enforcement officers, human and weapons trafficking, and murders.<sup>169</sup>

Later in his testimony, Clapper discusses how kidnapping and extortion “generates new and deep income streams for transnational criminal organizations (particularly in Mexico) and terrorist networks.”<sup>170</sup> His reference to lucrative relationships between transnational criminal organizations (specifically VMTCOs) and terrorist organizations is not discussed in detail. A political counter-narrative offered by Congressman Michael McCaul attempts to designate VMTCOs as foreign terrorist organizations. McCaul introduced legislation on March 28, 2011 requesting six VMTCOs receive designation as foreign terrorist organizations: the Arellano Felix Organization, Los Zetas VMTCO, Beltran Leyva Organization, La Familia Michoacána, Sinaloa

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<sup>168</sup> Gary J. Hale, *Mexico Is a Friend, Not an Enemy*, ed. James A. Baker III, Institute for Public Policy at Rice University (Houston, TX, 2012), 3.

<sup>169</sup> U.S. House, Committee on Homeland Security, *On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence*.

<sup>170</sup> Clapper, *Unclassified Statement for the Record on the Worldwide Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence*, 26–7.

VMTCO and Gulf VMTCO.<sup>171</sup> The U.S. Department of State maintains foreign terrorist organization designations “play a critical role in our fight against terrorism and are an effective means of curtailing support for terrorist activities and pressuring groups to get out of the terrorism business.”<sup>172</sup> The legislation maintains these six VMTCOs meet all three criteria to be characterized as a terrorist organization by arguing they are foreign organizations, they engage—or maintain the ability and intent to engage—in terrorist activity, and, this activity threatens U.S. national security.<sup>173</sup>

In terms of VMTCOs emerging as a threat beyond transnational criminal organizations, testimony before the House Foreign Affairs Subcommittee on the Western Hemisphere by academic scholar Dr. Robert Bunker notes VMTCOs are a criminal and spiritual insurgency and a threat far beyond (transnational) organized crime. Bunker’s testimony is more of an analysis for the political discourse that focuses on “what you need to know, not what you want to hear” based on the threat posed by the insurgency and the resultant second-order effects to international government policy. Bunker maintains VMTCOs are no longer traditional transnational criminal organizations, but morphing into “warmaking organizations” indicative of an insurgency and subsequent national security threat.<sup>174</sup> His testimony offers subcommittee members a brutally honest yet graphic account of daily beheadings, gruesome (perhaps spiritually motivated) murders, and torture. His main premise is that situation “is going well beyond the endemic quick and dirty assassinations or engagements between rival cartel/gang forces

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<sup>171</sup> McCaul, “112th Congress, 1st Session H. R. II, to Direct the Secretary of State to Designate As Foreign Terrorist Organizations Certain Mexican Drug Cartels, and for Other Purposes, in the House of Representatives, Mr. McCaul Introduced the Following Bill.”

<sup>172</sup> United States Department of State, “Foreign Terrorist Organizations,” January 19, 2010, <http://www.state.gov/s/ct/rls/other/des/123085.htm>.

<sup>173</sup> Reference Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189). McCaul, “112th Congress, 1st Session H. R. II, to Direct the Secretary of State to Designate As Foreign Terrorist Organizations Certain Mexican Drug Cartels, and for Other Purposes, in the House of Representatives, Mr. McCaul Introduced the Following Bill.”

<sup>174</sup> Dr. Robert J. Bunker, *Criminal (Cartel & Gang) Insurgencies in Mexico and the Americas: What You Need to Know, Not What You Want to Hear*, ed. Testimony Before the House Foreign Affairs Subcommittee on the Western Hemisphere at the Hearing “Has Merida Evolved? Part One: The Evolution of Drug Cartels and The Threat to Mexico’s Governance (Washington, DC, 2011), 5.

or between cartel commandos and Mexican police or military forces”<sup>175</sup> discussed in other testimony within this review. Bunker’s line of reasoning is supported by other scholars in *Narcos Over the Border: Gangs, Cartels and Mercenaries*, a compilation of essays by 10 noted academic, law enforcement and defense practitioners and an extension of *Small Wars Journal*. Bunker et al. infer there is no hemispheric comprehensive strategy to combating the insurgency and hint to the political narrative as an underlying force. Further, the authors leave no doubt that political forces are underestimating the scope of VMTCO activities and subsequent spillover violence into the United States.

Yet again, in testimony to the contrary, Deputy Assistant Secretary of Defense for the Western Hemisphere Frank O’Mora states, “on behalf of the Department of Defense, I would like to reiterate that thanks to the tireless work of the U.S. Department of Homeland Security, the U.S. Department of Justice, and other U.S. Federal, State, and local law enforcement and other authorities, we have no evidence of so-called ‘spillover violence’ into the United States.”<sup>176</sup> In contrast, qualitative analysis by Sylvia Longmire in *Cartel: The Coming Invasion of Mexico’s Drug War* depicts concrete examples of violence spilling over the border and discusses in detail kidnapping (the second most lucrative technique used by VMTCOs within the United States after drugs), assassinations and human smuggling. In terms of the political narrative, the reader infers VMTCO activities into the United States can only be contained (not prevented) by appropriate and congruent policy applications from both governments, thus suggesting an alarming security threat along the Southwestern border.

Testimony over spillover violence amongst politicians, scholars, policy makers, and practitioners is sporadic and polarizing at best. While one camp annotates spillover violence as an impending national security threat, another seeks to refute the claim signaling an obvious and significant gap that points to both the political discourse and the manner in which spillover violence is measured and defined.

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<sup>175</sup> Bunker, *Criminal (Cartel & Gang) Insurgencies in Mexico and the Americas: What You Need to Know, Not What You Want to Hear*, 2.

<sup>176</sup> U.S. House, Committee on Homeland Security, *U.S. Homeland Security Role in the Mexican War Against Drug Cartels*, Hearing, Before the Subcommittee on Oversight, Investigations, and Management, 112th Cong. 1st sess., March 31, 2011.

## C. THREATS

This violence in Mexico and the destabilizing effect it has on governance in the region and the threat of significant sustained spillover of violence into the United States elevates the subject matter from a criminal justice concern to the realm of a bona fide national security threat.<sup>177</sup>

Obviously, spillover violence is dependent on a current threat at or within the Southwest border. The literature continually addresses aspects of Mexico becoming a failed state due to a perception of lawlessness from widespread VMTCO violence. The *2008 Joint Operations Environment Report* issued by the U.S. Joint Forces Command states, “the growing assault by the drug cartels and their thugs on the Mexican government over the past several years reminds one that an unstable Mexico could represent a homeland security problem of immense proportions to the United States.”<sup>178</sup> The report states the two biggest concerns to the United States, in terms of failed states, are Mexico and Pakistan.<sup>179</sup> Coupled with statistics from the same year, noted scholar Vanda Felbab-Brown states in “The Violent Drug Market in Mexico and Lessons Learned from Colombia” that the death rate in Mexico due to drug violence far exceeds the total number of casualties in Afghanistan and Iraq.<sup>180</sup> Given that the United States was actively engaged in simultaneous wars in both countries at the time under the guise of homeland and national security, these statistics frame the seriousness of the threat. To the point, literature such as a myriad of articles within *Small Wars Journal* point to an “insurgent movement” within Mexico that is crossing into the United States<sup>181</sup> with

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<sup>177</sup> American Land Forces Institute, *Transnational Criminal Networks in Latin America and the Caribbean: A Network Centric Enterprise* (Mico, TX, 2012), 7.

<sup>178</sup> U.S. Joint Forces Command, *2008 Joint Operating Environment Report: Challenges and Implications for the Future Joint Force* (Norfolk, VA, 2008), 34.

<sup>179</sup> *Ibid.*, 35.

<sup>180</sup> Felbab-Brown, “The Violent Drug Market in Mexico and Lessons Learned from Colombia,” 1.

<sup>181</sup> John P. Sullivan and Adam Elkus, “Plaza’s For Profit: Mexico’s Criminal Insurgency,” *Small Wars Journal* (2009): 2.

indicative force and violence<sup>182</sup> and posing a significant threat to U.S. homeland and national security.<sup>183</sup>

The notion of Mexico becoming a failed state originates from hyper-violence and widespread public corruption, and Mexico's inability to control either. While much of the literature agrees on the extent of hyper-violence and corruption, the Mexican government and many scholars vehemently disagree that it is leading to a failed state. Noted scholar George Grayson, while in agreement with facts offered by literature, such as the *2008 Joint Operational Environment Report* and *Small Wars Journal*, concludes that there are far "too many factors—the Mexican armed forces, the Roman Catholic Church, the middle class, the Monterrey business community, the banking system, labor and professional organizations, the U.S. government, and international financial institutions, etc." for Mexico to become a failed state in the traditional context.<sup>184</sup>

U.S. Marshall David Campbell's thesis "Evaluating the Impact of Drug Trafficking Organizations on the Stability of the Mexican State" supports Grayson's analysis. He also discusses the rapid rise in violence within Mexico and along the Southwestern border and into the United States from the perspective of Mexico as a failed state, as well as the use of corruption, extortion, and fear-based intimidation upon the community.<sup>185</sup> Campbell claims Mexico will not become a failed state, but does infer it will return to a centralized model of government similar to the 20th century PRI model that maintained a relationship with one or more VMTCOs, but did not tolerate violence. The debate over the status of Mexico as a failed state is somewhat irrelevant in the acute phase in terms of spillover violence. While it appears the general consensus within the literature is that Mexico is not a failed state, spillover violence can—and does—occur,

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<sup>182</sup> Paul Rexton, "Mexico: A Mosaic Cartel War," *Small Wars Journal* (June 12, 2011): 2.

<sup>183</sup> Graham H. Turbiville, "Silver Over the Border: US Law Enforcement Corruption on the Southwest Border," *Small Wars Journal: Criminal Insurgencies in Mexico and the Americas* 22, no. 5 (November 30, 2011): 835–859.

<sup>184</sup> Grayson, *Mexico: Narco-Violence and a Failed State?*, 272.

<sup>185</sup> David R. Campbell, "Evaluating the Impact of Drug Trafficking Organizations on the Stability of the Mexican State" (master's thesis, US Army Command and General Staff College, 2010), 21.

“threaten(ing) public safety in certain U.S. localities, including substantial increases in murder rates, kidnapping, and other violent crime.”<sup>186</sup>

Discussions of a failed state and claims that Mexico is or may become a homeland and national security threat to the United States greatly affects current and future political dialogue between the two countries. This was evident in recent public discourse between the two as President Obama commented that the VMTCO problem in Mexico produces a “spillover effect” that affects tourism and the border.<sup>187</sup> A visibly upset President Calderon retorted the United States was the source for rising violence in Mexico because of its rising demand for illegal drugs, failed immigration policy, and lax gun control laws.<sup>188</sup> The tension exhibited publically between the two nation leaders is centered on spillover violence and the ability to control the situation, which appears inconsistent with and contradictory to U.S. government policies and strategies.

The threat of spillover violence in itself is a political issue. There is currently no agreeable qualitative or quantitative methodology to define or track spillover violence. Therefore, the threat of spillover violence is left to the political discourse and used as an agenda. In January 2009, outgoing DHS Secretary Michael Chertoff informed incoming DHS Secretary Napolitano that control of the Southwestern border and Mexico’s transnational organized criminal organizations were “at the very top of the list of national security concerns” and that contingency plans were in place to guard against significant spillover violence.<sup>189</sup> The issue of spillover violence was not foreign to Secretary Napolitano. As the Governor of Arizona in 2005, Napolitano was a vocal critic of the international incumbent border security strategy and, citing violence, declared a state of

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<sup>186</sup> Phil Williams and Vanda Felbab-Brown, *Drug Trafficking, Violence and Instability* (Carlisle, PA: Strategic Studies Institute, 2012), 16.

<sup>187</sup> Comments made by President Felipe Calderon during a one-day summit with U.S. President Barak Obama and Canadian Prime Minister Steven Harper; Border Beat, “Calderon and Obama Swap Barbs over Drug War,” April 3, 2012, <http://www.borderlandbeat.com/2012/04/calderon-not-happy-camper-getty-photos.html>.

<sup>188</sup> Border Beat, “Calderon and Obama Swap Barbs over Drug War.”

<sup>189</sup> Agnes Gereben Schaefer, Benjamin Bahney, and K. Jack Riley, *Security in Mexico: Implications for U.S. Policy Options* (Santa Monica, CA: Rand, 2009), 47.

emergency for four border counties.<sup>190</sup> Fast-forward through six years of hyper-violence in Mexico and along the Southwestern border to the current political narrative offered by DHS Secretary Napolitano:

It is simply inaccurate to state, and too many have, that the border with Mexico is overrun or out of control. This statement I think sometimes is made to score political points. You know, it's wrong. It's just plain wrong. Continuing to make these assertions in the face of everything that is happening and everything that has been done not only has negative consequences for our own border communities but it also disrespects the efforts of the law enforcement men and women on that border.<sup>191</sup>

There is lack of a clear and congruent strategy to combat the VMTCO threat.<sup>192</sup> The situation is termed an insurgency by noted scholars, such as Bunker, Grayson, and Killebrew, and policy makers including Secretary of State Hilary Clinton.<sup>193</sup> Yet, the political narrative continues to challenge such characterizations. Shortly after Secretary Clinton's announcement that the drug violence in Mexico was reminiscent of an insurgency, President Obama was forced to publically apologize to irate Mexican officials, withdraw any insurgency construct, and state, "Mexico is an ample democracy, with a growing economy."<sup>194</sup> The inability of the political discourse to openly address the issue leads to a failed strategy to combat the threat. Dr. Robert Killebrew, a fellow at the Center for New American Security, concurs and states the United States is slow to

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<sup>190</sup> Ralph Blumental, "Citing Violence, 2 Border States Declare a Crisis," *New York Times*, August 17, 2005, [http://www.nytimes.com/2005/08/17/national/17border.html?\\_r=1](http://www.nytimes.com/2005/08/17/national/17border.html?_r=1).

<sup>191</sup> April 1, 2011 webcast presentation on the "21st Century Border" presented to the NDN think tank and advocacy organization. "Secretary of Homeland Security Janet Napolitano on a "21st Century Border," [April 1, 2011], video clip, YouTube, <http://www.youtube.com/user/NDNVideo/videos?query=april+1%2C+2011>.

<sup>192</sup> Paul, Gereben Schaefer, and Clarke, *The Challenge of Violent Drug-Trafficking Organizations*, 11.

<sup>193</sup> Secretary Clinton termed the drug violence in Mexico an insurgency in 2008. Adam Entous and Nathan Hodge, "U.S. Sees Heightened Threat in Mexico," *The Wall Street Journal|Americas*, September 10, 2010, <http://online.wsj.com/article/SB10001424052748703960004575482080017955838.html>.

<sup>194</sup> Kevin Spak, "Obama Takes Back Clinton's Comments on Mexico," *Newser*, September 10, 2010, <http://www.newser.com/story/100238/obama-takes-back-clintons-comments-on-mexico.html>.

recognize the strategic threat posed to the United States by violence in Mexico<sup>195</sup> or the potential threat to national security.<sup>196</sup>

#### **D. THE FUTURE**

The 21st century ushered in new transnational cooperation to combat VMTCO activities with unprecedented programs like the Merida Initiative. Unfortunately, despite such programs, the literature suggests VMTCOs remain a distinct threat as violence has achieved record levels and shows few signs of reversing present course. Spillover violence lies at the heart of the issue with no accepted definition and, therefore, no manner of quantifying or qualifying the threat. Also evident within the literature, openly claiming spillover violence admits fault toward Mexico's security apparatus and U.S. border security control efforts, and the political narrative will currently support neither based on historical constructs. While the literature opines on solutions to ameliorate the U.S. war on drugs with grandiose policy change, financial commitment to Mexico and drug demand reduction programs, it fails to correlate rising VMTCO activity and violence in Mexico with an increasing presence and threat in U.S. cities. The literature infers a gap in the understanding, definition and context of spillover violence and a subsequent misleading characterization of the threat by either side at and within the Southwest border.

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<sup>195</sup> Bob Killebrew and Jennifer Bernal, *Crime Wars: Gangs, Cartels, and U.S. National Security* (Washington, DC: Center for A New American Security, 2010), 8.

<sup>196</sup> Robert Killebrew, "Criminal Insurgency in the Americas and Beyond," *Prism* 2, no. 3 (June 1, 2011): 34.



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### III. RESEARCH-BASED DECISION MAKING

A critical analysis of the literature suggests there is no congruent methodology used to frame spillover violence. Egregious examples of spillover (such as murder of law enforcement agents) are often at the forefront in the political discourse, but are quickly dismissed as anecdotal and isolated by the other side of the political aisle. The analysis of relevant literature reveals how nationally utilized criminal indexes are used to qualify and quantify violent crimes in cities along the border and, more importantly, how they are predominately used to claim there is no spillover violence. The methodology used within this thesis evaluates the different definitions of spillover violence in relation to how the UCR program is used to classify violent crimes in the United States, and the TXDPS initiative to combat and classify border crime through Operation Border Star.

#### A. SPILLOVER VIOLENCE

There is no universally accepted definition of spillover violence. DHS, which houses Immigration and Customs Enforcement and Customs and Border Patrol, does not have an official definition. Lack of a congruent and universal definition makes it difficult for policy makers and practitioners to combat the threat of violence across the border.<sup>197</sup>

The current interagency definition at the federal level, based on the UCR Program,<sup>198</sup> is offered by the Drug Enforcement Administration:

Spillover violence entails deliberate, planned attacks by the cartels on U.S. assets, including civilian, military, or law enforcement officials, innocent U.S. citizens, or physical institutions such as government buildings, consulates, or businesses. This definition does not include trafficker on trafficker violence, whether perpetrated in Mexico or the U.S.<sup>199</sup>

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<sup>197</sup> Homeland Security Advisory Council, *Southwest Border Task Force Recommendations* (Washington, DC, 2009), 7.

<sup>198</sup> U.S. House, Committee on Homeland Security, *On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence*.

<sup>199</sup> U.S. Library of Congress, Congressional Research Service, *Southwest Border Violence: Issues in Identifying and Measuring Spillover*, 16.

TXDPS expands upon this definition to include “trafficker-on-trafficker” violence, as well as “aggravated assault, extortion, kidnapping, torture, rape and murder.”<sup>200</sup> Zapata, Texas County Sheriff Sigifredo Gonzalez, Jr., former chairman of the Texas Border Sheriff’s Coalition, testified before Congress and offered a “glimpse of daily life” through the lens of a border town and insists the following must be included in any definition of spillover violence: kidnapping, carjacking, home invasion, extortion, gunfire from across the border, armed individuals escorting drug and human loads across the border, VMTCO members personally visiting U.S. law enforcement officer homes and threatening their families, U.S. gang affiliation with VMTCOs, illegal immigrants with murder and child molestation convictions, and auto theft (vehicles are used for smuggling of humans and drugs).<sup>201</sup>

## **1. Southwest Border Task Force**

Of course, we do observe and experience effects of local criminal activities with a nexus to [cartels] on our side of the border, such as drug-related gang shootings, robberies, and kidnappings. We also observe a certain amount of violent crime related to illicit activities at the border; such as violence associated with human trafficking, or the multiple assaults that occur against agents and officers on a daily basis. Not only has this type of violence long been a reality on the U.S.-Mexico border, but curtailing it requires a different approach in terms of scale and tactics than protecting against so-called spillover violence, should it in fact occur.<sup>202</sup>

In 2009, the Southwest Border Task Force convened with the Homeland Security Advisory Council to discuss Southwest border recommendations and offer a discussion on the need of a definition for spillover violence. The task force argued that a clear definition was needed to allow DHS the ability to converse in a more coordinated manner on border violence issues, as well as match threats with applicable policy and

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<sup>200</sup> U.S. House, Committee on Homeland Security, *On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence*.

<sup>201</sup> Ibid.

<sup>202</sup> Homeland Security Advisory Council, *Southwest Border Task Force Recommendations*, 15.

enforcement actions.<sup>203</sup> The task force acknowledged how the political and public discourses “have seized upon the concept of spillover violence”<sup>204</sup> and recommended five distinct definitions to distinguish between the many anomalies of border violence: criminal violence, border-related organized crime violence, violence against law enforcement agents, border violence, and spillover violence (see Appendix A).<sup>205</sup>

Criminal violence includes use or threat of force within the United States, and includes kidnapping and extortion.<sup>206</sup> Border-related organized violence is defined by the task force as violent crimes that take place away from the border but have links to cross-border activities, such as drugs, cash, weapons and human smuggling, and trafficking.<sup>207</sup> Violence against law enforcement officers includes all acts of violence with a nexus to cross-border crimes with the exception of violence associated directly with VMTCOs.<sup>208</sup> Border violence is any act of violence that takes place within 25 miles of the U.S. side of the border, spans the U.S.-Mexico border or U.S.-Mexican territory, has links to cross-border violence, and adds illegal immigration.<sup>209</sup> Finally, spillover violence starts in Mexico and carries over into the United States. It includes VMTCO conflicts with other VMTCOs or Mexican government forces and, according to the task force, has never occurred.<sup>210</sup>

The current framework surrounding spillover violence definitions relies on crimes reported by local, state and federal officials within the UCR program as an initial benchmark to gauge spillover violence. Texas, on the other hand, claims the UCR program is not sufficient. Hence, an understanding of the UCR program is warranted if it is to become a foundational pillar to any accepted framework of spillover violence.

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<sup>203</sup> Homeland Security Advisory Council, *Southwest Border Task Force Recommendations*, 14.

<sup>204</sup> *Ibid.*

<sup>205</sup> *Ibid.*, 15.

<sup>206</sup> *Ibid.*, 16.

<sup>207</sup> *Ibid.*

<sup>208</sup> *Ibid.*

<sup>209</sup> *Ibid.*, 16–17.

<sup>210</sup> *Ibid.*, 17.

## B. FBI UNIFORM CRIME REPORTS (UCR) PROGRAM

The UCR program is a *voluntary* law enforcement program managed by the FBI with the sole purpose of collecting and providing reliable nationwide criminal statistics on certain crimes known to law enforcement agencies.<sup>211</sup> The UCR program provides “data on known offenses and persons arrested by law enforcement agencies” and does not reflect official verdicts ruled within the judicial system.<sup>212</sup> The UCR program collects an extensive nationwide amount of crime data for annual reports including *Crime in the United States*, *Hate Crime Statistics* and *Law Enforcement Officers Killed and Assaulted*. Information from the UCR program is publically accessible by law enforcement agencies, politicians, the general public, municipalities, media organizations, academic and research institutions, etc., and is used to chronicle criminal trends in a given region.<sup>213</sup>

The original intent of the UCR program is to collect crime statistics based on the seriousness of the offense, frequency of occurrence (from a national perspective) and likelihood of being reported to local law enforcement agencies. The UCR program has two methods for collecting crime data: the Summary System or the National Incident Based Reporting System (NIBRS). Currently, the Summary System is the *de facto* method for reporting crime into the UCR program. The majority of agencies incorrectly refer to the Summary System as the UCR program most likely because it is the main method of collecting statistics. NIBRS is rather new and not as universally accepted. For the purposes of this thesis, the Summary System and NIBRS are separated and discussed as part of the greater UCR program in order to give the reader a better understanding of how crime is collected and what it means for establishing a framework on spillover violence within the political discourse.

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<sup>211</sup> The Federal Bureau of Investigation, “Uniform Crime Reports,” (n.d.), <http://www.fbi.gov/about-us/cjis/ucr>.

<sup>212</sup> *Ibid.*

<sup>213</sup> *Ibid.*

## 1. The Summary System

The UCR program was conceived by the International Chiefs of Police in 1929 and, through Congressional mandate, managed by the FBI since 1930. At its inception, 400 law enforcement agencies representing 43 states and 20 million citizens voluntarily submitted criminal statistics.<sup>214</sup> To date, 17,456 law enforcement agencies in 46 states<sup>215</sup> representing over 300 million citizens (97.4% of the total population) submit data into the UCR program through the Summary System.<sup>216</sup> It is neither practical for the Summary System to distinguish between the many different local and state statutes represented nor categorize crime by designations, such as misdemeanor or felony due to the many different state codes.<sup>217</sup> Therefore, the Summary System program employs national standard definitions and encourages participating organizations to view crimes within this context to the best of their ability.

The Summary System requires law enforcement agencies to translate or classify local or state offenses into categories offered by the FBI. The Summary System then requires these agencies to report the total number of crimes (termed scoring) once they are divided into categories. The Summary System divides offenses into Part I and Part II crimes. The more serious Part I crimes include eight offenses divided into violent crimes and property crimes (Table 1)<sup>218</sup> while Part II crimes include 21 additional offenses (Table 2).<sup>219</sup>

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<sup>214</sup> Texas Department of Public Safety, “The Texas Uniform Crime Reporting Program,” (n.d.), <http://www.txdps.state.tx.us/ucr/>.

<sup>215</sup> According to 2005 data. U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, by Nathan James and Logan Rishard Council, CRS Report RL34309 (Washington, DC: Office of Congressional Information and Publishing, January 3, 2008) 6.

<sup>216</sup> See The Federal Bureau of Investigation, “Uniform Crime Reports.” Report issued September 2011.

<sup>217</sup> Texas Department of Public Safety, “The Texas Uniform Crime Reporting Program.”

<sup>218</sup> The Federal Bureau of Investigation, “Uniform Crime Reports.”

<sup>219</sup> Ibid.

<b>UCR Summary Reporting System Part I Crimes</b>	
<b>VIOLENT CRIMES</b>	<b>PROPERTY CRIMES</b>
Murder and non-negligent manslaughter	Burglary
Forcible rape	Larceny-theft
Burglary	Motor vehicle theft
Aggravated assault	Arson (added 1979)

Table 1. UCR Summary System Part I Crimes in Hierarchal Descending Order

<b>UCR Summary Reporting System Part II Crimes</b>				
Simple Assaults	Forgery & Counterfeiting	Fraud	Embezzlement	Stolen Property
Vandalism	Weapons	Prostitution & Commercialized Vice	Sex Offenses	Drug Abuse Violations
Gambling	Offenses against Family or Children (non-violent)	Driving Under the Influence	Liquor Laws	Drunkenness
Disorderly Conduct	Vagrancy	All Other Offenses	Suspicion	Curfew and Loitering Laws (under 18)
		Runaways (under 18)		

Table 2. UCR Summary System Part II Crimes

The Summary System submits an addendum to the FBI for murder and non-negligent manslaughter on a monthly basis in the UCR Supplemental Homicide Report. The addendum gathers age, sex and race for victims and offenders, the relationship between the two, the type of weapon used, and the circumstances surrounding the event.<sup>220</sup> No other crime captures this information within the Summary System.

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<sup>220</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 8.

Law enforcement agencies submit aggregate data into the Summary System each month through consistent and certified state programs or directly to the FBI.<sup>221</sup> The program is voluntary and not all law enforcement agencies participate or provide data for the entire year. The information is collected in three categories divided into Metropolitan Statistical Areas (MSAs),<sup>222</sup> cities outside MSAs, and nonmetropolitan counties.<sup>223</sup> For agencies that do not report or only report for a portion of each year, the FBI determines crime levels based on whether an agency participated in the Summary System from zero to three months, three to 11 months or less than 12 months. A “standard estimation procedure,” or statistical imputation, is used to compile crime statistics for the rest of the year for those agencies participating between three and 12 months. If the agency participates less than three months, the FBI uses crime statistics from similarly sized areas within the state.<sup>224</sup>

Due to the size, scope and voluntary nature of the UCR program in general, information entered into the Summary System depends on the integrity and accuracy of the law enforcement agency, as well as the UCR program’s ability to provide quality control.<sup>225</sup> On the front end, the UCR program provides proactive onsite training to educate participating law enforcement agencies on common standards, reporting guidelines and policies, and provides the *UCR Handbook* to agencies for reference.<sup>226</sup> On the back end, it has an array of algorithmic methodologies to crosscheck information in attempt to ensure the data is honest and accurate.<sup>227</sup>

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<sup>221</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 6.

<sup>222</sup> MSAs are geographic entities defined by the Office of Management and Budget. They consist of large metropolitan areas with a core population density greater than 50,000 people and include surrounding counties with strong social and economic ties. United States Census Bureau, “Metropolitan and Micropolitan Statistical Areas Main,” (n.d.), <http://www.census.gov/population/metro/>.

<sup>223</sup> The Federal Bureau of Investigation, “Uniform Crime Reports.”

<sup>224</sup> The process considers location, population, municipality or jurisdiction, and type of law enforcement agency. The Federal Bureau of Investigation, “Uniform Crime Reports.”

<sup>225</sup> Yoshio Akiyama and Sharon K. Prophet, *Methods for Data Quality Control: For Uniform Crime Reporting Programs* (Washington, DC: Criminal Justice Information Services Division, FBI, 2005), 1.

<sup>226</sup> *Ibid.*, 2.

<sup>227</sup> *Ibid.*, 1.



Data within the Summary System is used in many ways that range from policy decisions to monetary and grant allocation.<sup>228</sup> Law enforcement agencies use the data for administrative, operational or budgetary reasons; policy makers make legislative recommendations; scholars analyze criminal trends; and, the general public and media outlets may attempt to analyze the crime problem in a given area.<sup>229</sup> Data, therefore, can also be construed by various organizations to understand the current criminal trends in a given region. For this reason, the FBI goes to great lengths to caution against using data within the Summary System to rank areas or comment on the effectiveness of law enforcement. The FBI neither ranks nor analyses data within the UCR program (as a whole) because of the many societal ramifications involved in different geographic regions including, but not limited to, urbanization, economy of the region, citizen reporting mechanisms, and effectiveness of both representative law enforcement agencies and local judicial system capabilities.<sup>230</sup> In fact, the FBI alphabetically lists the Summary System data and leaves any analysis, positive or negative, to the end user.

There are three general rules that govern how the Summary System governs criminal activity. The Summary System employs the hierarchy, hotel and separation of time and space rules.<sup>231</sup> The hierarchy rule only permits the more significant crime to be reported if more than one crime occurs in a given incident.<sup>232</sup> For example, if a person is raped and then murdered, only the murder is entered into the Summary System because it is the more serious offense. This includes both Part I and Part II crimes. There are three exceptions to the hierarchy rule: arson, motor vehicle theft and justifiable homicide.<sup>233</sup> Arson is always reported, even if committed in concert with another crime. Only motor-

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<sup>228</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*.

<sup>229</sup> The Federal Bureau of Investigation, "Uniform Crime Reporting Statistics: Their Proper Use," (n.d.), <http://www.fbi.gov/about-us/cjis/ucr/ucr-statistics-their-proper-use/view>.

<sup>230</sup> Ibid.

<sup>231</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 9.

<sup>232</sup> See FBI Uniform Crime Reports. "Crime in the United States," 2010, report issued September 2011.

<sup>233</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 9.

vehicle theft is reported, even if committed with another Part II (higher) crime. In addition, justifiable homicide is reported (as non-negligent homicide), as well as the offense of the other party.<sup>234</sup>

Similarly, a hotel rule applies to any multiple-dwellings (hotels, motels, hostels, etc.) under the supervision of a manager. If a series of crimes occur within these types of occupancies, only one crime is reported by the manager rather than one for each individual.<sup>235</sup> The hotel rule does not apply to individually owned or rented units, such as condominiums, apartments or storage units.

The separation of time and space rule applies to multiple crimes committed in different locations within a relatively short time frame. In this case, each crime is reported separately.<sup>236</sup> For example, several home burglaries committed on a residential street during the night would each warrant separate reports. However, only one crime is reported should law enforcement suspect targeted burglaries on the same street occurring over an extended period of time are being committed by the same individual.

Arrests are similar to offenses and must also be translated and tallied into the Summary System. The hierarchy, hotel and separation of time and space rule also affect arrest data, and the law enforcement agency can only use one crime classification for reporting.<sup>237</sup> For example, an individual arrested for multiple offenses (murder, simple assault, and unlawful weapon) will only register as one arrest. Therefore, arrest data only shows the total number of arrests as opposed to the total number of offenses.

## **2. The National Incident Based Reporting System (NIBRS)**

During the 1970s, consensus within the law enforcement community called for expanding the methods used for the Summary System to meet the needs of 21st century

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<sup>234</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 9.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

<sup>237</sup> Ibid., 11.

law enforcement.<sup>238</sup> In 1985, an FBI and Bureau of Justice Statistics study released the *Blueprint for the Future of the Uniform Crime Reporting Program* and recommended law enforcement agencies use an incident-based system to report data.<sup>239</sup> The FBI conducted a pilot program with the South Carolina Law Enforcement Division and released the results at the UCR national conference in 1988 to overwhelming support. Subsequently, attendees unanimously endorsed implementation of NIBRS. Law enforcement agencies may now report data into the UCR program through either the Summary System or NIBRS.

As of May 2011, there are 32 states<sup>240</sup> certified by NIBRS representing 27% of reported crime from 43% of law enforcement agencies covering 28% of the population.<sup>241</sup> In Texas, 53 agencies represent 13.6% of the state population reporting data into NIBRS through the TXDPS.<sup>242</sup>

NIBRS data is intended to augment local law enforcement incident-based reporting systems allowing local agencies to develop needs-specific data within a respective jurisdiction.<sup>243</sup> The original intent was to take advantage of available crime data secured in law enforcement record management systems, provide considerably more detail, and yield more elaborate and functional data than the Summary System.<sup>244</sup> Submitted data must meet NIBRS standardized guidelines outlined within *Uniform Crime Reporting National Incident-Based Reporting System, Volume 1: Data Collection Guidelines*, and *Volume 2: Data Submission Specifications*. In an effort to sustain quality

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<sup>238</sup> The Federal Bureau of Investigation, “Uniform Crime Reports”; The Federal Bureau of Investigation, “NIBRS Frequently Asked Questions,” (n.d.), [http://www2.fbi.gov/ucr/nibrs\\_general.html](http://www2.fbi.gov/ucr/nibrs_general.html).

<sup>239</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 12.

<sup>240</sup> The FBI accepts data from the following non-state certified programs under the guidelines mentioned within: Alabama, Washington, DC, Georgia, Illinois, and Mississippi.

<sup>241</sup> Justice Research and Statistics Association, “Status of NIBRS in the States,” (n.d.), [http://www.jrsa.org/ibrrc/background-status/nibrs\\_states.shtml](http://www.jrsa.org/ibrrc/background-status/nibrs_states.shtml).

<sup>242</sup> Mike Lesko, *Uniform Crime Reports Program* (Texas Department of Public Safety, Austin, TX, May 1, 2012), 3.

<sup>243</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States Is Measured*, 14.

<sup>244</sup> Lesko, *Uniform Crime Reports Program*, 1.

control, submitting crime data to the FBI is preferably done through a certified state program. The state must prove it has the capability of processing NIBRS data fields with an error rate below 4%, statistical reasonableness based on trends, crime volume and fluctuation, a capability to update and respond to the national program, and system interoperability.<sup>245</sup> If there is no certified state program, the FBI may allow a local agency to submit directly so long as it serves a population over 100,000 and utilizes a NIBRS compliant incident-based reporting system.<sup>246</sup>

Similar to the Summary System, NIBRS must also translate (classify) and tally (score) offenses. NIBRS includes more detail than the Summary System and classifies offenses into Group A or Group B offenses (rather than Part I or Part II). Group A offenses include 22 categories (compared to eight) separated into violent crimes, property crimes and crimes against society<sup>247</sup> in which law enforcement agencies must collect and report extensive data (Table 3).<sup>248</sup> Group B offenses include 11 additional categories in which only arrest data is reported (Table 4).<sup>249</sup>

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<sup>245</sup> Bureau of Justice Statistics and Federal Bureau of Investigations, *Implementing the National Incident-Based Reporting System: A Project Status Report* (Washington, DC, 1997), 7.

<sup>246</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 15.

<sup>247</sup> Crimes against society include drug/narcotics, gambling, prostitution, and pornography/obscene material offenses.

<sup>248</sup> Extensive data elements are divided into six segments to include administrative, offense, property, victim, offender, and arrestee information. The Federal Bureau of Investigation, "Uniform Crime Reports"; The Federal Bureau of Investigation, "NIBRS Frequently Asked Questions"; U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 14.

<sup>249</sup> The Federal Bureau of Investigation, "Uniform Crime Reports"; The Federal Bureau of Investigation, "NIBRS Frequently Asked Questions."

<b>UCR National Incident Based Incident Reporting Group A Offenses</b>		
<b>CRIMES AGAINST PEOPLE</b>	<b>CRIMES AGAINST PROPERTY</b>	<b>CRIMES AGAINST SOCIETY</b>
Assault Offenses	Bribery	Drug/narcotic Offenses
Homicide Offenses	Arson	Gambling Offenses
Kidnapping/Abduction	Burglary/Breaking and Entering	Prostitution Offenses
Robbery	Counterfeiting/Forgery	Pornography/Obscene Material
Sex Offense (forcible)	Extortion/Blackmail	
Sex Offenses (non-forcible)	Fraud Offenses	
	Larceny/Theft Offenses	
	Embezzlement	
	Motor Vehicle Theft	
	Stolen Property Offenses	
	Weapons Law Violations	
	Destruction/Damage/Vandalism of Property	

Table 3. UCR National Incident Based Reporting System *Group A* Offenses

<b>UCR National Incident Based Incident Reporting Group B Offenses</b>			
Bad Checks	Curfews/Loitering/Vagrancy Violations	Disorderly Conduct	Driving Under the Influence
Drunkenness	Family Offenses (non-violent)	Liquor Law Violations	Peeping Tom
Runaway	Trespass of Real Property	All Other Offenses	

Table 4. UCR National Incident Based Reporting System *Group B* Offenses.

According to the FBI, NIBRS “produces more detailed, accurate, and meaningful data than the Summary Reporting System” and furnishes information on nearly all aspects of crime including terrorism and organized crime.<sup>250</sup> Additionally, it collects data that is unavailable in the Summary System, such as weapons and force used on all violent offenses, circumstances of murders and assaults and injuries received, and both residencies and relationships between assailants and victims.<sup>251</sup>

<sup>250</sup> The Federal Bureau of Investigation, “Uniform Crime Reports”; The Federal Bureau of Investigation, “NIBRS Frequently Asked Questions.”

<sup>251</sup> Lesko, *Uniform Crime Reports Program*, 3.

NIBRS makes changes to the hierarchy, hotel and separation of time and place rules that govern the Summary System. There is no hierarchy rule associated with NIBRS and all crimes committed by a single individual are reported. For example, if an intruder rapes the wife, but murders the husband, NIBRS reports both offenses whereas the Summary System only reports the more significant murder offense. The definition of the hotel rule is expanded to include rental storage facilities and the provisions of the separation of time and space rule remain the same.

NIBRS must also tally (score) offenses. NIBRS permits increased data collection to include multiple crimes, victims, arrests and offenders for a single incident due to changes in the hierarchy, hotel and separation of time and place rules.<sup>252</sup> The data is more comprehensive and gives those who access the information a “full accounting of the status of public safety.”<sup>253</sup>

NIBRS implements many changes to the Summary System and is designed to increase the accuracy of crime reporting and its subsequent trends. However, adoption of NIBRS is slow making it a minority when compared to the Summary System.

### **3. Use of the UCR Program**

The intent of the UCR program is to provide reliable crime statistics for the nation. However, that does not necessarily represent the true nature of crime. For the past several decades, over 90% of law enforcement agencies have submitted data to the UCR program making it an indicator of criminal statistics within the confines of the Summary System or NIBRS methodologies.<sup>254</sup> Both collect crime with different methods and results may reflect disparities between the nature of offenses.

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<sup>252</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 14.

<sup>253</sup> The Federal Bureau of Investigation, “Uniform Crime Reports”; The Federal Bureau of Investigation, “NIBRS Frequently Asked Questions.”

<sup>254</sup> Clayton J. Mosher, Terrance D. Miethe, and Timothy C. Hart, *The Mismeasure of Crime*, 2nd ed. (Thousand Oaks, CA: Sage Publications, 2011), 80.

The UCR program does not necessarily account for the total number of crimes committed. The system is voluntary and UCR uses imputations that may overestimate or underestimate the true nature of criminal statistics in a given region for those agencies that do not submit data for part of the year.<sup>255</sup>

DHS Secretary Janet Napolitano visited the Texas-Mexico border in February 2012 with U.S. Customs and Border Protection Commissioner David Aguilar to meet state and local officials, assess customs and border protection operations along the Southwestern border, and discuss administration successes and DHS initiatives to providing a secure but open border with Mexico.<sup>256</sup> During a press conference at the McAllen, Texas Border Patrol Station, Secretary Napolitano stated, “violent crime in these areas [Austin, Brownsville, Dallas, El Paso, Houston, Laredo, McAllen and San Antonio] has gone down significantly. These are among the safest areas in the United States.”<sup>257</sup>

Plotting Summary System violent crime data from major Texas MSAs and border towns with known VMTCO activity over a five-year period appears to visually support Secretary Napolitano’s claim and reveal a relatively stagnant or declining trend when compared to the hyper-violence in Mexico over the same time period (Figure 2).

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<sup>255</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 20.

<sup>256</sup> Department of Homeland Security, “Readout of Secretary’s Napolitano’s Visit to Texas,” February 21, 2012, <http://www.dhs.gov/ynews/releases/20120221-napolitano-texas-visit.shtm>.

<sup>257</sup> Department of Homeland Security, “Readout of Secretary’s Napolitano’s Visit to Texas”; “DHS Secretary Janet Napolitano,” [February 22, 2012], video clip, YouTube, <http://www.youtube.com/watch?v=Fb5Yj3MxQxs>; Mark Potter, “Debate Rages Over Mexico’s ‘Spillover Violence’ in U.S.,” *The Daily Nightly*, March 15, 2012, [http://dailynightly.msnbc.msn.com/\\_news/2012/03/15/10701978-debate-rages-over-mexico-spillover-violence-in-us?lite](http://dailynightly.msnbc.msn.com/_news/2012/03/15/10701978-debate-rages-over-mexico-spillover-violence-in-us?lite).

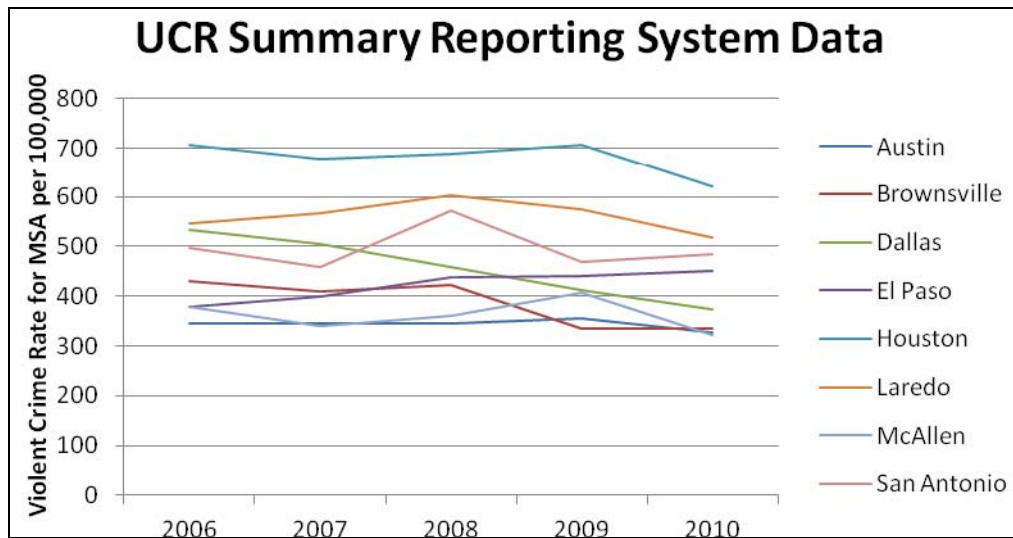


Figure 2. UCR Violent Crimes for Texas Border Cities and Major Metropolitan Statistical Areas

However, individual examination of Summary System data shows that violent crimes are going down for all these municipalities with the exception of El Paso and San Antonio. When El Paso and San Antonio MSAs are plotted independently using the same the Summary System data, violent crimes are actually rising for in El Paso (Figure 3) and holding steady in San Antonio (Figure 4) instead of decreasing as Secretary Napolitano asserts.



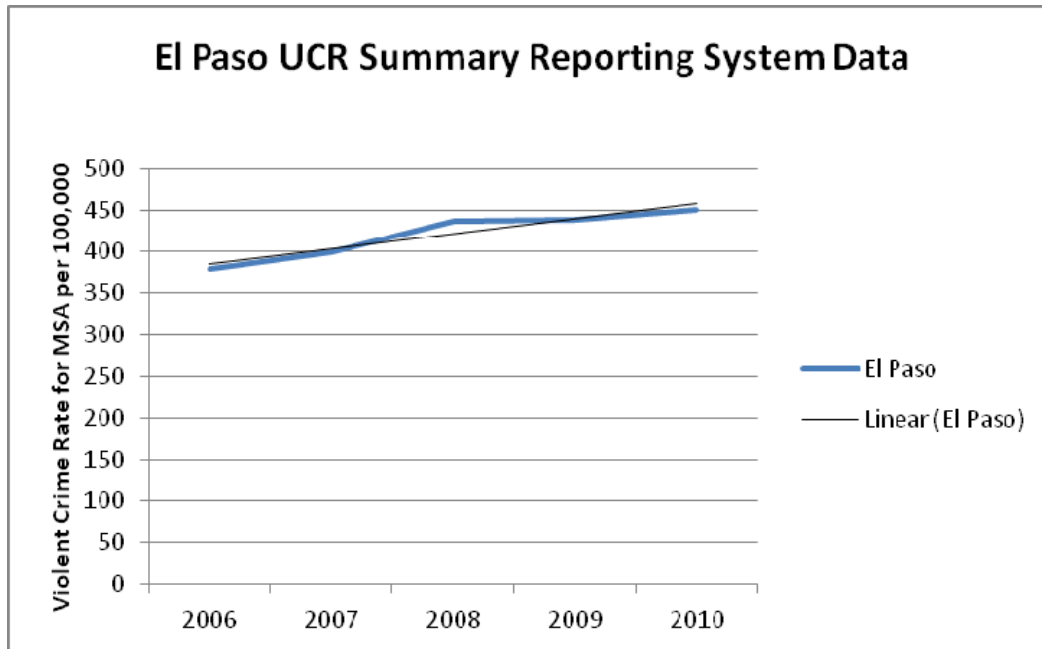


Figure 3. UCR Violent Crimes for El Paso, Texas

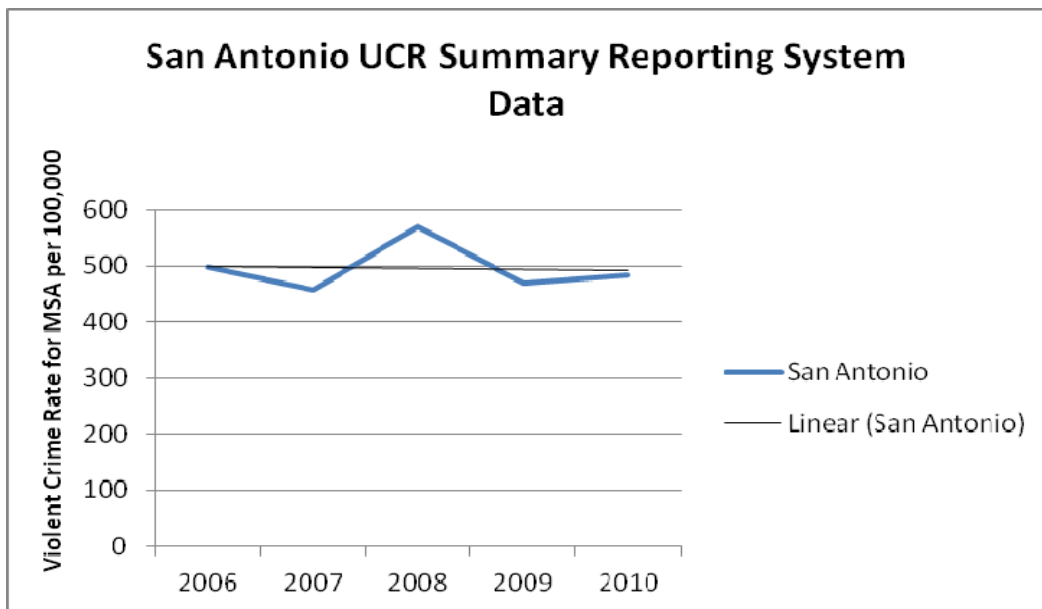


Figure 4. UCR Violent Crimes for San Antonio, Texas

UCR data offers a limited look and is not necessarily indicative of violent crimes along the border depending on whether the Summary System or NIBRS is used. In 2006, Texas launched a series of border operations to combat emerging threats along its border.

The results of Texas border operations offer a general comprehension of VMTCO activities along and within the border, as well as a different lens from which to view UCR data.

### **C. OPERATION BORDER STAR**

The spillover violence in Texas is real and it is escalating.<sup>258</sup>

– Texas Senators John Cornyn and Kay Bailey Hutchison in a letter to  
President Barack Obama

Operation Border Star is the current border security operation for the state of Texas. The mission is to combat violent cross-border crimes and illicit activities along the Texas-Mexico border through patrol, surveillance and direct action.<sup>259</sup> Operation Border Star is a multi-agency operation encompassing 53 border counties, 65 local and county police departments, Texas Parks & Wildlife, TXDPS, Texas Military Forces, and DHS agencies (see Appendix B).<sup>260</sup>

Texas instituted a series of border security operations as a method of combating and chronicling border violence. In February 2006, Texas “instituted a plan to increase security on the Texas-Mexico border which included: increased local and state patrols; centralized coordination of patrol operations; centralized intelligence to drive operations; and leveraging technology to enhance radio interoperability, information sharing and fingerprint identification.”<sup>261</sup> Texas border security operations have progressed through Operations Linebacker, Rio Grande, Wrangler and Border Star, and involve multi-agency partnerships from that range from local law enforcement to the U.S. Customs and Border patrol and the National Guard. These programs are credited with demonstrating how multi-agency integration is both operationally efficient and cost-effective at targeting and

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<sup>258</sup> Jeremy Roebuck, “Senators Call for Openness in Contingency Plans for Violence Along U.S.-Mexico Border: Confusion Still Reigns Over What Constitutes Spillover Threat,” *The Monitor*, March 18, 2010, <http://www.themonitor.com/articles/openness-36525-along-plans.html>.

<sup>259</sup> Office of Governor Rick Perry, *Office of the Governor Criminal Justice Division 2009–2010 Biennial Report to the 82nd Texas Legislature* (Austin, TX, 2009), 8.

<sup>260</sup> Texas Department of Public Safety press release PIO 2011-111 dated October 12, 2011.

<sup>261</sup> Governor Rick Perry, *Texas Homeland Security Strategic Plan 2010–2015* (Austin, TX, 2010), 1.

reducing border violence.<sup>262</sup> Local and state resources, such as the Texas Border Sheriff's Coalition, organized as an effort to unite law enforcement agencies and increase public and national security along the border (Figure 5), continue to help fill resource gaps in agencies like the U.S. Border Patrol.<sup>263</sup> To date, Texas has contributed over \$200 million in federal and state grant funding to these border operations.<sup>264</sup>



Figure 5. Texas Border Sheriff's Coalition<sup>265</sup>

<sup>262</sup> Perry, *Texas Homeland Security Strategic Plan 2010–2015*, 39.

<sup>263</sup> *Ibid.*

<sup>264</sup> *Ibid.*

<sup>265</sup> Office of Governor Rick Perry, *Office of the Governor Criminal Justice Division 2009–2010 Biennial Report to the 82nd Texas Legislature*, 8.

## **1. Border Security Operations Center (BSOC)**

The Border Security Operations Center (BSOC) is the focal point of Operation Border Star and located in Austin, Texas within the Texas Fusion Center. It is operated by the Texas Rangers division of TXDPS and includes civilian analysts, as well as members of Customs and Border Patrol and Texas Military Forces. BSOC serves as the nerve center for six Joint Operation Intelligence Centers (JOIC) along the Texas-Mexico border and is responsible for collecting, analyzing and disseminating border-related security information for the intelligence-driven Operation Border Star.

BSOC operates two important technology initiatives. First, TXMAP is a mapping software program that enables BSOC to import, view and disseminate information specific to violent incidents, drug, weapon and cash seizures, transnational gang affiliations, law enforcement pursuits, and real-time resource allocation.<sup>266</sup> Data within TXMAP is viewable at BSOC, JOICs, and by TXDPS personnel and various federal agencies. TXMAP offers incident support, as well as trends throughout the state and border region.

Second, BSOC monitors Operation Drawbridge that consists of a series of 500 remote cameras strategically placed along the border.<sup>267</sup> The cameras are small wildlife cameras with motion detection and low-light capability, modified to meet border security needs (Figure 6). They are monitored at all times without interruption by BSOC, the Texas Fusion Center, JOICs, and a host of federal agencies including the Customs and Border Patrol.

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<sup>266</sup> Jason Buch, "Border Security Team in Austin Focuses on Valley," *MySanAntonio*, June 10, 2012, [http://www.mysanantonio.com/news/local\\_news/article/Border-security-s-brain-3622485.php](http://www.mysanantonio.com/news/local_news/article/Border-security-s-brain-3622485.php).

<sup>267</sup> Texas Department of Public Safety, "Operation Drawbridge," (n.d.), <http://www.txdps.state.tx.us/PublicInformation/operDrawbrdg.htm>.



Figure 6. Border Security Operation Center Operation Drawbridge<sup>268</sup>

Operation Drawbridge increases the efficiency of border operations simply because the cameras cover more area in real time given the length and remoteness of the Texas-Mexico border, as well as the dynamic nature of VMTCO activities.<sup>269</sup> BSOC and other agencies are able to direct tactical interdiction or search and rescue efforts<sup>270</sup> based on detection capabilities of Operation Drawbridge. As of January 2012, the strategic success and sustained impact of Operation Drawbridge against VMTCO driven border violence and crime is credited with detecting 4,000 criminal activities, 2,000 apprehensions and over five tons of illegal contraband.<sup>271</sup>

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<sup>268</sup> Texas Department of Public Safety, "Operation Drawbridge."

<sup>269</sup> Each camera costs approximately \$300.

<sup>270</sup> Search and Rescue efforts of illegal immigrants who have become lost and dehydrated.

<sup>271</sup> Texas Department of Public Safety, "Operation Drawbridge."

The BSOC also serves as the operations center for Texas Ranger Reconnaissance Team missions. Ranger Reconnaissance Teams are highly trained tactical teams tasked with border region missions specific to combating VMTCOs.<sup>272</sup> These teams offer both overt and covert capabilities<sup>273</sup> and are often inserted in remote border areas difficult for routine security operations. Details of Ranger Reconnaissance missions remain classified.

## **2. Joint Operation Intelligence Centers (JOIC) and Unified Command**

There are six Joint Operation Intelligence Centers (JOIC) along the Texas-Mexico border located (and named accordingly) in El Paso, Big Bend, Laredo, Rio Grande Valley, and Coastal Bend (Figure 7). All six JOICs are staffed with personnel from local to federal agencies and liaise with each other, the Texas Fusion Center and BSOC.

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<sup>272</sup> Texas Department of Public Safety, “Specialized Units,” (n.d.), <http://www.txdps.state.tx.us/TexasRangers/specialUnits.htm>.

<sup>273</sup> Ibid.



Figure 7. Texas Border Security Operation Center (BSOC) and Joint Intelligence Operations Centers (JOIC)<sup>274</sup>

There are multiple local, municipal, county, state and federal resources combatting border violence and crimes along the 1,254-mile Texas border. Therefore, JOICs were established under the unified command concept established within the National Response Framework,<sup>275</sup> meaning they “facilitate coordination and cooperation among member law enforcement agencies to achieve commonly-held objectives, eliminate duplication of effort, and achieve greater results than uncoordinated operations would produce.”<sup>276</sup>

<sup>274</sup> Texas Department of Public Safety, “Operation Border Star Participants,” (n.d.), <http://www.txdps.state.tx.us/PublicInformation/OpBorStarParticipants.pdf>.

<sup>275</sup> See the Homeland Security, “National Response Framework, January 2008,” (n.d.), <http://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf>.

<sup>276</sup> Perry, *Texas Homeland Security Strategic Plan 2010–2015*, 40.

Local law enforcement agencies are responsible for combating VMTCO-related border violence and crime in their respective jurisdiction. Under the unified command concept, JOICs ensure that “each agency functions within its jurisdictional lines of authority in accordance with its own chain of command,”<sup>277</sup> as well as implement common intelligence-driven strategies to ensure collaborative mechanisms are in place to combat VMTCO-related border violence and crime. The unified command concept utilized by JOICs allows intelligence and information sharing, joint operational planning, and area inter-agency resource allocation.<sup>278</sup>

The unified command concept ensures cooperation, collaboration, intelligence sharing, and real-time incident support among all agencies. Aviation resources are a large part of border security operations due to the length of the border and include surveillance drones utilized for BSOC and operated by the Customs and Border Protection Air and Marine Division, assets from Texas Military Forces, U.S. Coast Guard, and TXDPS. The Texas-Mexico border is also separated by the Rio Grande River and has maritime vulnerabilities along the Gulf of Mexico. Both the Rio Grande River and the Gulf of Mexico are utilized by VMTCOs for aggressive and violent operations. Therefore, maritime resources are an important part of the unified command concept. In addition to U.S. Coast Guard and Customs and Border Protection Air and Marine Division resources, Texas recently placed four “shallow water interceptors” (high-powered gunboats) into operation. Each interceptor is 34-feet long, capable of operating in 18-inches of water with 900 horsepower, and has six mounted automatic weapons behind armor plating (Figure 8). The interceptors are part of a \$3.3 million combined DHS grant and Texas Legislature allocated funding package and represent a “significant enhancement of the department’s ability to detect, disrupt and deter illegal activity along the Rio Grande River and Texas coast.”<sup>279</sup>

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<sup>277</sup> Perry, *Texas Homeland Security Strategic Plan 2010–2015*, 40.

<sup>278</sup> Ibid.

<sup>279</sup> Texas Department of Public Safety press release PIO 2012-040 dated April 11, 2012.





Figure 8. Texas Department of Public Safety Shallow Water Interceptor<sup>280</sup>

### 3. Texas Crime Reporting and Operation Border Star

Texas is in the process of implementing its own version of NIBRS called the Texas Incident Based Reporting System. NIBRS data is intended to augment local law enforcement incident-based reporting systems allowing local agencies to develop needs-specific data within a respective jurisdiction such as the border region.<sup>281</sup> The Texas Incident Based Reporting System is a long way from full implementation,<sup>282</sup> but is currently collecting incident-based reports from 53 law enforcement agencies that

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<sup>280</sup> Jason Howerton, “Have You Seen the Bulletproof Texas Gunboats Equipped With Automatic Machine Guns That Will Battle Drug Cartels on the Water?” *The Blaze*, July 4, 2012, <http://www.theblaze.com/stories/have-you-seen-the-bulletproof-texas-gunboats-equipped-with-automatic-machine-guns-that-will-battle-drug-cartels-on-the-water/>.

<sup>281</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 14.

<sup>282</sup> Texas Department of Public Safety, “The Texas Uniform Crime Reporting Program.”

represent 13.6% of the state population.<sup>283</sup> However, Texas reports state crime through the Summary System and must statistically calibrate any NIBRS data into the Summary System format for inclusion into the UCR program.<sup>284</sup>

Texas is fully aware that the current Summary System is insufficient for capturing multiple levels of crime. The literature review revealed that TXDPS Director Steve McCraw testified before Congress about the inequities of the Summary System format specific to spillover violence and VMTCO-related crime.<sup>285</sup>

Therefore, Texas uses the framework of Operation Border Star to qualify crimes specific to border violence and VMTCO activities. Details are collected on incidents with a VMTCO nexus through intelligence gathered within the JOIC area of responsibility, confidential informants, and detailed analysis. This information is used to capture a realistic threat picture and increase efficiency in future enforcement and intelligence operations. While this information is not currently of use within the UCR program, it will be incorporated into the Texas Incident Based Reporting System.

#### **4. Operation Border Star Data**

Operation Border Star documents violent crimes related to VMTCO activity based upon intelligence gathered within the JOICs and BSOC, investigations by Texas Rangers and TXDPS Criminal Investigations Division, and confidential informants. Since its inception, arrests total 89 from the Gulf VMTCO, nine from the Vicente Carrillo Fuentes (Juarez) VMTCO, 165 from the La Familia Michoacána VMTCO, 72 from the Los Zetas VMTCO, and two from the Sinaloa VMTCO.<sup>286</sup> This list does not reflect gang members affiliated with VMTCOs. Since 2010, there were 25 homicides throughout the state with the large majority occurring in border communities, 22 assaults, 15 shootings,

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<sup>283</sup> Lesko, *Uniform Crime Reports Program*, 3.

<sup>284</sup> Texas Department of Public Safety, "The Texas Uniform Crime Reporting Program."

<sup>285</sup> U.S. House, Committee on Homeland Security, *On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence*.

<sup>286</sup> Texas Department of Public Safety, "Mexican Cartel Related Activity."

and 18 kidnappings.<sup>287</sup> Operation Border star has confiscated 2,631 weapons (Figure 9), and since 2009, documented 73 assaults on law enforcement officers resulting in 58 shots fired. This does not include 2,540 high-speed pursuits with 77 caltrop<sup>288</sup> deployments (Figure 10) and 65 splashdowns<sup>289</sup> into the Rio Grande River.<sup>290</sup>

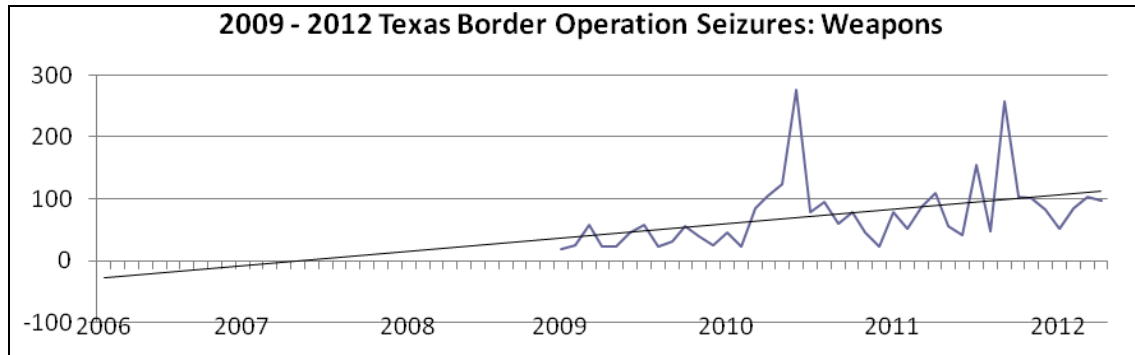


Figure 9. Operation Border Star Weapons Seizures

<sup>287</sup> Texas Department of Public Safety, “Mexican Cartel Related Activity.”

<sup>288</sup> Caltraps are man-made tire deflation devices (with multiple spikes) thrown onto the roadway to violently disable law enforcement vehicles during high-speed pursuits. Caltraps are customized amongst different cartels as a calling card.

<sup>289</sup> Splashdowns refer to drug traffickers who drive their vehicles into the Rio Grande River while evading law enforcement. They are picked up by boat retrieval teams; TXDPS maintains that violence typically ensues, hence one of many reasons for shallow water interceptors.

<sup>290</sup> Texas Department of Public Safety, “Mexican Cartel Related Activity.”



Figure 10. Caltrop—Man-Made Tire Deflation Device Deployed by VMTCOs Against Law Enforcement Agencies During High Speed Pursuits<sup>291</sup>

Operation Border Star has eight documented cases of government corruption that includes U.S. law enforcement officers, Chiefs of Police, and Justices of the Peace.<sup>292</sup> This does not include 127 cases of confirmed Customs and Border Protection corruption or an investigation into 267 additional accounts within DHS.<sup>293</sup> VMTCO corruption of government officials is one of Mexico's toughest battles and has required reorganization of the Federal Police, as well as mobilization of Mexican military forces.

VMTCOs are using violence for several reasons, but one of the main reasons is to protect drug shipments. Drugs remain the staple of the VMTCO business plan. VMTCOs control the drug smuggling routes across the Southwestern border ports of entry and now

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<sup>291</sup> Texas Department of Public Safety, "Caltrops," (n.d.), <http://www.txdps.state.tx.us/PublicInformation/cartelCrimeStats.htm>.

<sup>292</sup> Texas Department of Public Safety, "Mexican Cartel Related Activity."

<sup>293</sup> Department of Homeland Security, "Statement of Alan Bersin, Commissioner, Customs and Border Protection, before the Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs on "Border Corruption: Assessing Customs and Border Protection and The Department of Homeland Security Inspector General's Office Collaboration in the Fight to Prevent Corruption," June 9, 2011, [http://www.dhs.gov/ynews/testimony/testimony\\_1307549850535.shtm](http://www.dhs.gov/ynews/testimony/testimony_1307549850535.shtm).

have the ability to produce, transport and distribute almost all illicit drugs.<sup>294</sup> Violence will accompany transnational drug shipments. Seizures for Texas border operations are measured along the border region and major corridors out of El Paso, Laredo and the Rio Grande Valley. Marijuana, cocaine, heroin and methamphetamine are the major drugs smuggled into Texas by VMTCOs (Table 5).

<b>Major Corridor and Border Region Drug Seizure April 2006 – June 2012</b>			
DRUG	TOTAL	STREET VALUE	PRICE/POUND
Marijuana	7,996,473	\$4,407,176,129.22	\$551.14
Cocaine	78,162	\$2,311,222,819.20	\$29,446.08
Heroin	1,986	\$81,075,093.66	\$40,823.31
Methamphetamine	6,740	\$256,614,613.12	\$37,988.36
TOTAL	8,083,941	\$7,065,088,655.20	

Table 5. Major Drug Seizures for Texas Border Operations 2006–2012<sup>295</sup>

VMTCOs are major suppliers of marijuana into the United States. Since 2005, production capability has grown over 300% in Mexico, but VMTCOs, such as La Familia Michoacána, have domestic growing capability within the United States as well.<sup>296</sup> Operation Border Star has seized a disproportionate amount of marijuana compared to other drugs and seizures continue to rise (Figure 11).

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<sup>294</sup> U.S. Department of Justice, “National Drug Threat Assessment 2011,” 7.

<sup>295</sup> Texas Department of Public Safety, “Drugs,” (n.d.), <http://www.txdps.state.tx.us/PublicInformation/cartelCrimeStats.htm>.

<sup>296</sup> STRATFOR, *Criminal Commodities: Marijuana* (Austin, TX, 2012).

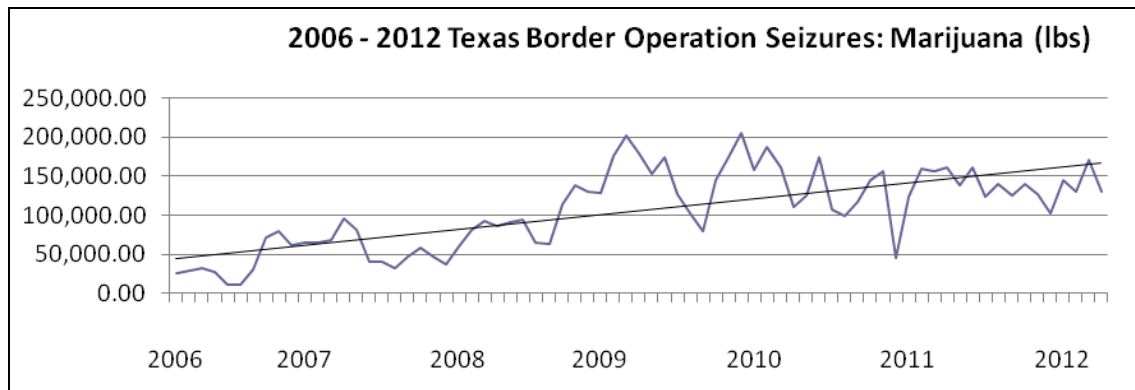


Figure 11. Operation Border Star Marijuana Seizures

The demise of the Cali and Medellin cartels' Caribbean shipment routes in the late 1980s and early 1990s have positioned VMTCOs in a lucrative position for smuggling cocaine into the United States from South America.<sup>297</sup> Peru has become the largest producer of cocaine<sup>298</sup> and shipments into the United States are now traversing Mexico. VMTCOs continue to see a high return on investment (\$23,000 profit per kilogram between South America and the United States)<sup>299</sup> and Operation Border Star seizures remain steady (Figure 12).

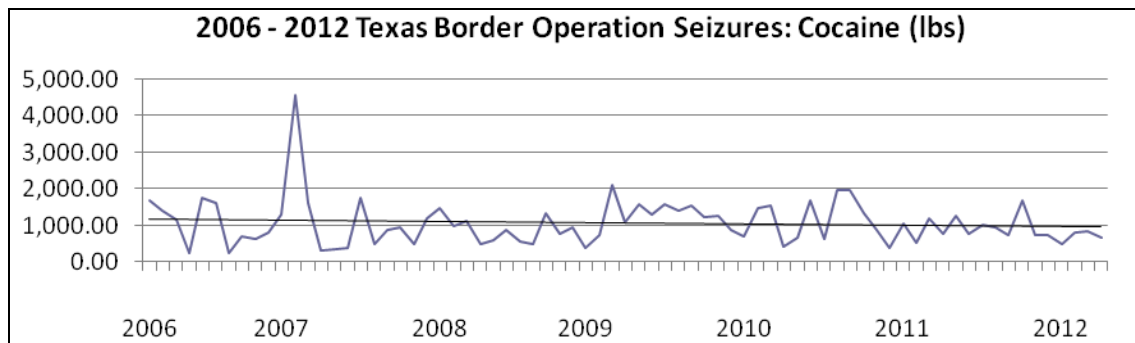


Figure 12. Operation Border Star Cocaine Seizures

<sup>297</sup> U.S. Library of Congress, Congressional Research Service, *Mexican Drug Cartels*, by Colleen W. Cook, CRS Report RL34215 (Washington, DC: Office of Congressional Information and Publishing, October 16, 2007), 4.

<sup>298</sup> BBC News Latin America & Caribbean, "Colombia Cocaine Production Drops 25%, Says US Report," July 31, 2012, <http://www.bbc.co.uk/news/world-latin-america-19059953>.

<sup>299</sup> STRATFOR, *Criminal Commodities Series: Cocaine* (Austin, TX, 2012).

Mexico is now the second largest opium poppy producer in the world behind Afghanistan.<sup>300</sup> Afghanistan controls roughly 90% of the world heroin market and Mexico controls 7%.<sup>301</sup> However, VMTCOs are beginning to take shortcuts and produce black-tar heroin at a far cheaper cost.<sup>302</sup> Mexican heroin production rates have grown over 600% since 2005 and 58% of all heroin seizures in the United States were along the Southwestern border in 2010.<sup>303</sup> Heroin retains the largest return on investment for VMTCOs and Operation Border Star seizures are rising (Figure 13).

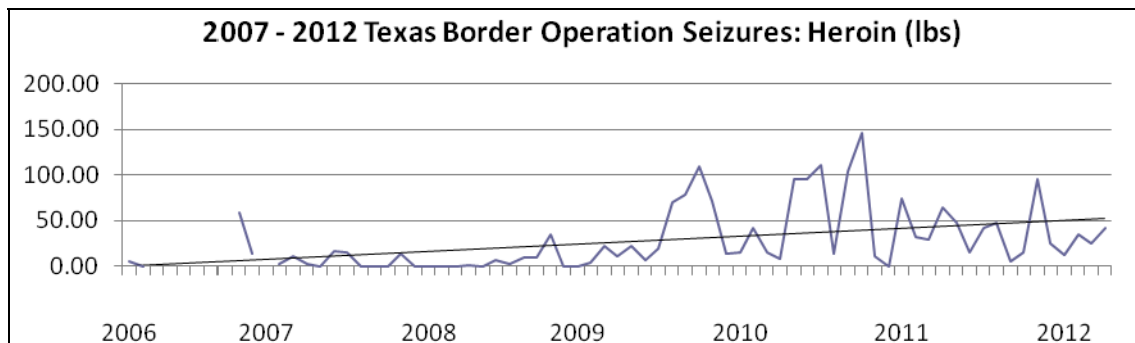


Figure 13. Operation Border Star Heroin Seizures

VMTCOs are now the largest importer of methamphetamine product into the United States.<sup>304</sup> Production is on the rise in Mexico primarily because it is not dependent upon environmental conditions, precursor chemicals are loosely regulated in Mexico, and the return on investment is high.<sup>305</sup> Seizures of methamphetamine are increasing despite VMTCOs dubious methods of concealment (Figure 14).

<sup>300</sup> STRATFOR, *Criminal Commodities Series: Black Tar Heroin* (Austin, TX, 2012).

<sup>301</sup> Ibid.

<sup>302</sup> Ibid.

<sup>303</sup> Ibid.

<sup>304</sup> STRATFOR, *Criminal Commodities Series: Methamphetamine* (Austin, TX, 2012).

<sup>305</sup> Ibid.

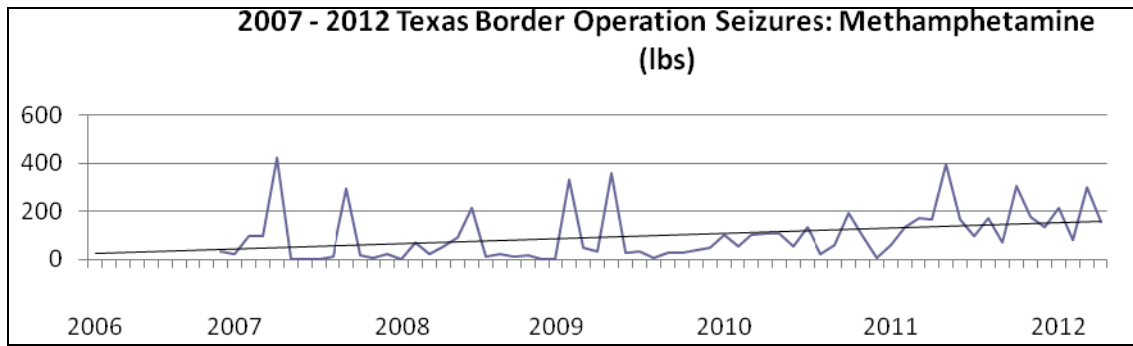


Figure 14. Operation Border Star Methamphetamine Seizures

Cash is obviously used during drug, weapon, ransom and extortion activities. The amount of cash flowing out of Texas into Mexico as a result of VMTCO activities ranges from \$19 to \$29 billion dollars per year.<sup>306</sup> Operation Border Star has seized well over \$150 million dollars in cash, not including street value of narcotics, and seizures are rising (Figure 15).

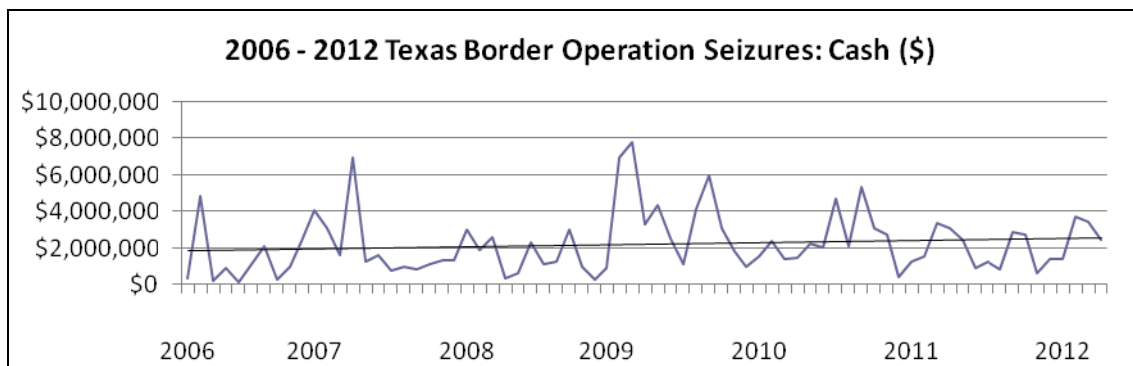


Figure 15. Operation Border Star Cash Seizures

<sup>306</sup> Immigration and Customs Enforcement, "2010 Bi-national Criminal Proceeds Study," (n.d.), <http://www.ice.gov/cornerstone/cps-study.htm>.



The Texas Fusion Center uses TXMAP software to input this data and provide graphical representations for BSOC in order to monitor trends and allocate target specific resources. Seizures tracked from border plazas indicate flow into and throughout Texas along the interstate system (Figure 16).

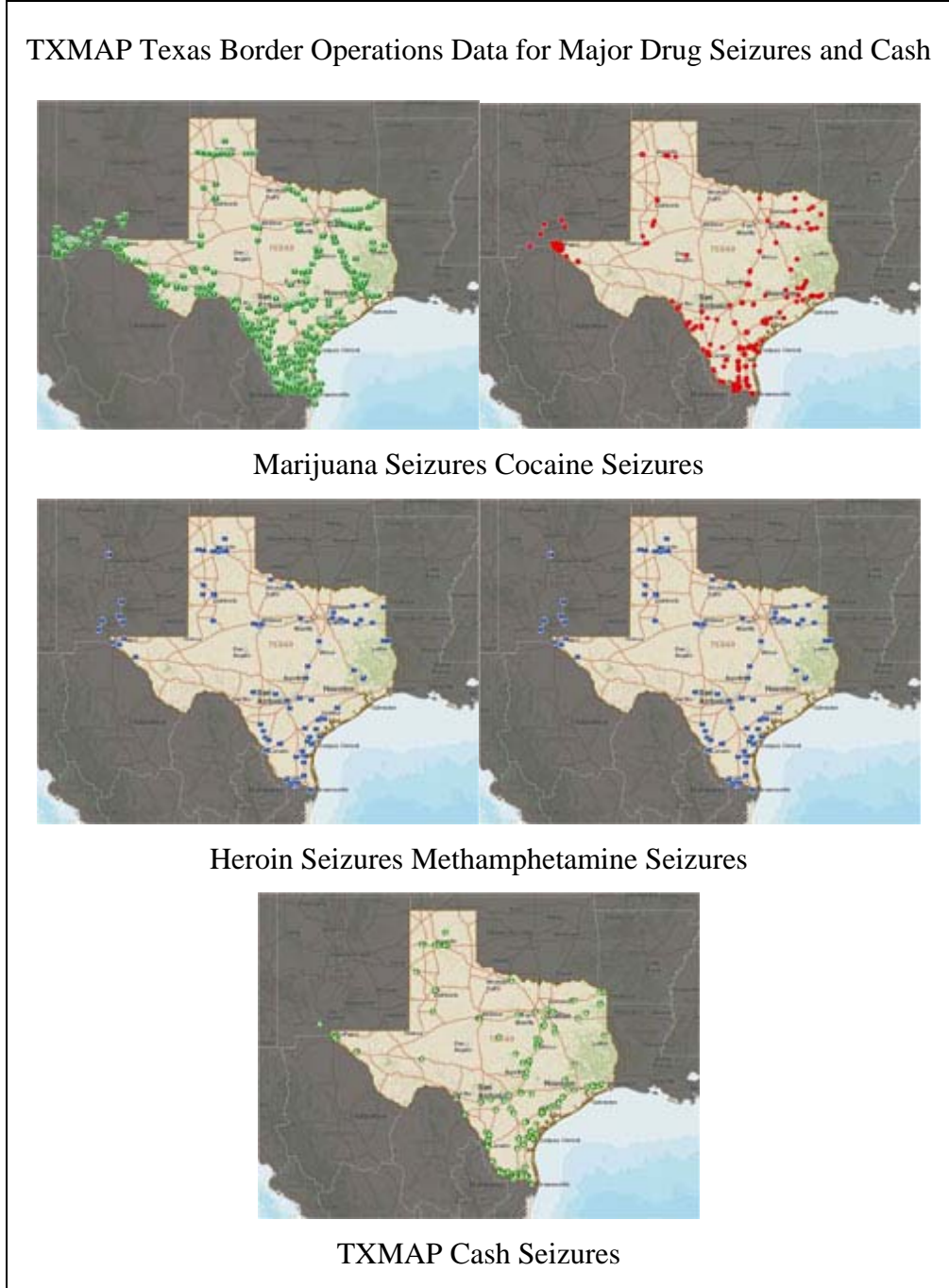


Figure 16. Operation Border Star Drug and Cash Seizures Through TXMAP<sup>307</sup>

<sup>307</sup> Texas Department of Public Safety, “Drugs.”

Operation Border Star works with federal partners on illegal immigration. As of 2011, Customs and Border Patrol lists 1,160,545 illegal immigrant apprehensions in Texas.<sup>308</sup> Operation Border Star attributes 27,880 crimes to 6,508 of illegal immigrants who already have records within the Texas Department of Criminal Justice.<sup>309</sup> From October 2008 through December 2011, Texas attributes 311,204 crimes, including 1,620 homicides and 3,682 sexual assaults, to 98,188 “career criminal alien defendants.”<sup>310</sup>

Operation Border Star also monitors VMTCO links to terrorist organization ties like Hezbollah and the Iranian Revolutionary Guard Corps Quds Force. In October 2011, the FBI and Drug Enforcement Administration foiled a plot by the Iranian Revolutionary Guard Corps Quds Force to assassinate the Saudi Ambassador and attack the Israel and Saudi Arabian embassies with explosive devices on U.S. soil.<sup>311</sup> One of the alleged attackers from Texas attempted to hire a Los Zetas VMTCO sicario (assassin) to perform the assassination.<sup>312</sup>

On March 21, 2012, former Drug Enforcement Administration Chief of Operations Michael Braun testified before the U.S. House of Representative Committee on Homeland Security regarding “Iran, Hezbollah and the Threat to the Homeland.” In his testimony, Braun emphasized links between VMTCOs and foreign terrorist organizations including Al Qa’ida, the Revolutionary Armed Forces of Colombia (FARC), Hezbollah, and the Iranian Revolutionary Guard Corps Quds Force.<sup>313</sup> Braun stated:

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<sup>308</sup> U.S. Border Patrol, “Total Illegal Alien Apprehensions by Fiscal Year (Oct. 1st through Sept. 30th),” (n.d.), [http://www.cbp.gov/linkhandler/cgov/border\\_security/border\\_patrol/usbp\\_statistics/99\\_10\\_fy\\_stats.ctt/99\\_11\\_fy\\_stats.pdf](http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/99_10_fy_stats.ctt/99_11_fy_stats.pdf).

<sup>309</sup> Texas Department of Public Safety, “Mexican Cartel Related Activity.”

<sup>310</sup> Ibid.

<sup>311</sup> Michael A. Braun, “Statement for the Record before the U.S. House of Representative Committee on Homeland Security, Washington, D.C. Regarding: “Iran, Hezbollah and the Threat to the Homeland,”” March 21, 2012, <http://homeland.house.gov/sites/homeland.house.gov/files/Testimony-Braun.pdf>.

<sup>312</sup> Ibid.

<sup>313</sup> Ibid.

If anyone thinks for a moment that Hezbollah and the Iranian Quds Force, the masters at leveraging and exploiting existing illicit infrastructures globally, are not going to focus on our Southwest border and use that as perhaps a springboard in attacking our country, then they just don't understand how the real underworld works.<sup>314</sup>

Congressman Michael McCaul validates these concerns in separate testimony<sup>315</sup> and introduces terrorist ties to human trafficking and VMTCOs. Specific to this discussion on human trafficking is the classification of *special interest aliens*, given to the rising influx of other than Mexican nationalities<sup>316</sup> entering the United States through Mexico. In 2005, there were 1.2 million illegal aliens apprehended of which 165,000 were other than Mexican; 650 of which were from one of 35 special interest countries “designated by the intelligence community as countries that could export individuals that could bring harm to our country in the way of terrorism.”<sup>317</sup> DHS reported a 41% increase in apprehension of special interest aliens along the Texas-Mexico border from 2002–2006 including numerous accounts of special interest aliens from countries, such as Lebanon, Iran, Syria, Jordan, as well as Islamic radical organizations, such as Hezbollah.<sup>318</sup> DHS maintains 463,000 illegal aliens were apprehended on the Southwest border in 2010<sup>319</sup> and claims this is due to fewer persons attempting to illegally cross the border. However, in 2010, there were 663 special interest alien apprehensions.<sup>320</sup> Despite a 60% reduction in illegal alien apprehensions from 2005–2010, special interest alien

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<sup>314</sup> Braun, “Statement for the Record Before the U.S. House of Representative Committee On Homeland Security, Washington, D.C. Regarding: “Iran, Hezbollah and the Threat to the Homeland.””

<sup>315</sup> U.S. House, Committee on Homeland Security, *On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence*.

<sup>316</sup> Other than Mexican (OTM) is an official CBP designation.

<sup>317</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 2–3.

<sup>318</sup> *Ibid.*, 27.

<sup>319</sup> Department of Homeland Security, “Southwest Border Overview,” Department of Homeland Security Fact Sheet, April 5, 2011. [http://www.dhs.gov/files/gc\\_1287434745257.shtm](http://www.dhs.gov/files/gc_1287434745257.shtm).

<sup>320</sup> U.S. Customs & Border Patrol statistics via Pullo, *Judicial Watch*.

apprehensions remained constant. There is a financial incentive for special interest alien human smuggling operations as they can bring upwards of \$60,000 per alien.<sup>321</sup>

#### **D. WHAT DOES IT ALL MEAN?**

There is no consistent definition of spillover violence accepted within the political discourse nor is there a recognized metric for capturing VMTCO violence outside of current FBI crime reporting methodologies. The result is a narrative that fuels a political agenda rather than the reality of the situation. There is no way to predict the effects of VMTCO violence crossing the Southwestern border without a framework that seeks to define and capture the true nature of events outside the political discourse, but based on analytics. Violence is an obvious and tangible threat of VMTCO activities moving across the Southwest border. The main UCR program methodology—the Summary System—shows requisite pitfalls in capturing the totality of violent crimes directly associated with any definition of spillover violence while NIBRS is neither universally used nor does it accurately capture VMTCO violence as it is understood today. The end result as it exists within the political narrative obviates the real impact of the VMTCO violence taking place and focuses on subjective terms(s) rather than objective and accurate metrics.

Simply labeling the issue “spillover violence” can no longer be the singular focus for finding realistic metrics that deal with this challenge. Finding an effective analytical framework for decision making related to the myriad of border issues and VMTCO violence may allow the United States to get beyond what has become a lightning rod within the political discourse that fails to account for real and dangerous consequences.

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<sup>321</sup> House Committee on Homeland Security, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 14.

## **IV. ESTABLISHING THE NEED FOR AN ANALYTICAL FRAMEWORK**

The violence in Mexico by drug trafficking organizations has reached the level where it is now a direct threat to our national security...transnational organized criminal groups are becoming increasingly sophisticated and are engaged in a wide variety of activities, from human smuggling to Medicare fraud.<sup>322</sup>

– Senator Joseph Lieberman, July 11, 2012

### **A. A FRAMEWORK RATHER THAN SEMANTICS**

The origin of the term spillover violence is unknown, but it is certainly controversial and sensitive within the political discourse. From the U.S. perspective, it infers Mexico cannot control the VMTCO problem, the border is insecure, and local, state and federal law enforcement agencies are incapable of providing a rule of law. It also infers that law enforcement executives are guilty of poor performance, and negatively affects the tourism industry and communities' ability to attract new businesses and people. From the Mexico perspective, spillover violence infers the United States cannot control its drug problem, hints of accusations that Mexico is becoming a failed state, and affects its tourism and business industry.

Spillover violence becomes part of a social construct and implies the great wall—or, fence in this context—is holding back hyper-violent ramifications of an out-of-control drug war with some violence spilling over the top. Violence does not change its meaning after crossing a border. The degree of violence may vary, but has more to do with law and judicial enforcement. A series of beheadings in Oklahoma City, Phoenix and Hollywood are thought by some to involve a VMTCO nexus,<sup>323</sup> but in no way mimic the

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<sup>322</sup> Opening Statement of Chairman Joseph I. Lieberman on the Homeland Security and Governmental Affairs Committee; “The Future of Homeland Security: Evolving and Emerging Threats,” Washington, DC, July 11, 2012.

<sup>323</sup> Sylvia Longmire, “Why Border Violence Spillover Needs to be Defined,” *Homeland Security Today*, January 17, 2012, <http://www.hstoday.us/briefings/correspondents-watch/single-article/why-border-violence-spillover-needs-to-be-defined/e4df3ebc4e28933d98b3c676cf2cb52f.html>.

frequency of beheadings and mutilation experienced in Mexico. Perhaps the term spillover relates less to violence and more to the differences between the social framework of law enforcement efforts and judicial processes between the United States and Mexico. U.S. culture in general maintains a non-permissive environment when it comes to violent crime. U.S. law enforcement efforts help maintain a 93% conviction rate that is handled accordingly through the judicial process.<sup>324</sup>

Mexico, however, is rampant with law enforcement corruption. The foundation of Calderon's strategy against VMTCOs requires military intervention because of law enforcement corruption. At a recent gathering, Mexico Interior Minister Alejandro Poire stated that only 20% of crimes<sup>325</sup> are reported in Mexico because of fear of VMTCO retribution.<sup>326</sup> Mexico maintains only a 2% conviction rate for crimes.<sup>327</sup> This permissive environment is a foreign concept on the U.S. side of the border, of which VMTCOs are fully aware. This lends insight into why the United States has yet to experience the amount, brutality and frequency of violence rampant throughout many parts of Mexico.

Spillover violence is socially framed within the construct of permissive and non-permissive societies. The U.S. Southwestern border is adjacent to an expanding and violent VMTCO dynasty and the violence used to enforce it is following the money trail and crossing the border. The violence is not spilling over, it is simply crossing a shared border and the U.S. non-permissive environment is confronting it head on. Spillover violence becomes a sensationalized yet erroneous term within the political discourse that is used to fit an agenda. This discourse is quick to capitalize on the benefits of economic trade, open borders and shared interests while at the same time suggesting there is an all-

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<sup>324</sup> U.S. Department of Justice, "United States Attorneys' Annual Statistical Report, Fiscal Year 2010," (n.d.), [http://www.justice.gov/usao/reading\\_room/reports/asr2010/10statrpt.pdf](http://www.justice.gov/usao/reading_room/reports/asr2010/10statrpt.pdf).

<sup>325</sup> This infers the Mexican government is aware of the other 80% of crimes, which is difficult to prove.

<sup>326</sup> Martha Mendoza, "Google Takes Aim at Mexico's Drug Cartels," *bostom.com*, July 18, 2012, [http://articles.boston.com/2012-07-18/business/32732575\\_1\\_cartels-report-crimes-intelligence](http://articles.boston.com/2012-07-18/business/32732575_1_cartels-report-crimes-intelligence).

<sup>327</sup> Tom Lantos Human Rights Commission, United States Congress, *Testimony of Maureen Meyer, Senior Associate for Mexico and Central America at the Washington Office on Latin America on Human Rights in Mexico before the U.S. Congress Committee on Human Rights Commission*, May 12, 2002, [http://tlhrc.house.gov/docs/transcripts/2012\\_5\\_10\\_Human\\_Rights\\_In\\_Mexico/MMeyer%20testimony%20TLHRC.pdf](http://tlhrc.house.gov/docs/transcripts/2012_5_10_Human_Rights_In_Mexico/MMeyer%20testimony%20TLHRC.pdf).

out war along the border. This masks the true issue and prevents a shared responsibility and duty to combat the spreading VMTCO threat. Perhaps more importantly, framing the discussion inaccurately fails to allow dealing with the challenge in a systematic and research-based method.

Rather than reduce a wicked problem to a semantic term, decisions should be made from an analytical framework that encompasses the totality of VMTCO violence and activities coming across the border. VMTCOs are fulfilling a demand and using violence and U.S.-based gangs to insure its monetary success. The subsequent violence is occurring within Texas and along the Southwestern border as a result.

Texas, however, is shying away from relying upon the term spillover violence. Although the concept is used openly within the political discourse, the state has quietly migrated toward a frame of cross-border violence. Texas is not alone in this decision and several federal documents favor cross-border violence, rather than spillover violence because it more accurately fits the problem. This changing narrative wicks controversy and blame, and establishes that VMTCO violence exists on both sides of the Southwestern border.

The myriad of definitions for spillover violence reviewed within this thesis lack specificity and provide a weak framework for response and prevention of the violence. The emphasis is on *attack* and weighs more upon the object of the violence (person or building) rather than the type of violence used (use of a weapon, physical or sexual altercation) or the activity it is associated with (VMTCO, military, terrorist organization). The definitions neither address what the term spillover itself might mean nor the kind of violence that constitutes an attack. Is spillover a descriptor of the aggressor's nationality or base of operation? Does spillover specifically stem from Mexico or might it come from another country? What if the violence is attributed to a country known to harbor a terrorist organization—would this be a case of spillover or terrorism? Alternatively, is spillover reserved for actions that stem from the Mexican drug war? If spillover is reserved for the Mexican drug war, does it have a geographical limit relative to the border? If VMTCO violence occurs in Denver, Colorado, is it still considered spillover violence?



The leading federal working definition excludes trafficker-on-trafficker violence. On October 25, 2011, in Juarez, Chihuahua police found the heads, arms, feet, legs, hands and torsos of four VMTCO members artfully displayed in front of a restaurant, daycare and business. The deceased were identified as members of the Vicente Fuentes Carrillo (Juarez) VMTCO and a note was left saying the rival New Juarez VMTCO was recruiting new members.<sup>328</sup> This level of violence is a result of the drug war and common throughout Mexico. Comparatively, it would not be considered spillover violence had member(s) of the New Juarez VMTCO traveled into El Paso, Texas and committed the same brutal acts. This signifies an obvious gap in understanding of what is happening and argues that a simple definition fails to capture the significance of the threat. The concentration should focus on the act of violence and not the occupation of the assailant or victim.

In Congressional testimony, Texas law enforcement officers state any concept of spillover violence must include trafficker-on-trafficker violence, extortion, kidnapping, torture, gang affiliation, illegal immigrants with violent convictions, and verbal threats against law enforcement and their families. Based on tactics discovered in intelligence-driven border operations, Texas looks for VMTCO links in any of the following crime categories: drug, weapons and cash seizures, corruption, illegal alien apprehensions, criminal aliens, arrest of VMTCO members, VMTCO recruitment in Texas elementary and high schools, shootings of law enforcement officers, high speed pursuits, splashdowns, stolen vehicles recovered in Mexico, known or suspected VMTCO-related murders, and kidnappings or extortions.<sup>329</sup> An analytical framework becomes a necessity as no simple definition can accurately capture what intelligence-driven analytics can state about the VMTCO threat.

Texas border operations are proving multiple violent crimes are related to VMTCO operations and introduce the concept of second- and third-order effects of

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<sup>328</sup> Customs and Border Patrol Commissioner's Situation Room Mexico Media Monitoring dated October 26, 2011.

<sup>329</sup> Texas Department of Public Safety, "Mexican Cartel Related Activity."

spillover violence. At first glance, VMTCO recruitment of Texas school-age children<sup>330</sup> might not seem violent. Rosalio Reta was 13 years old when he was recruited and used by the Gulf VMTCO in Laredo, Texas as a VMTCO sicario.<sup>331</sup> Yet, Texas gang affiliations and relationships also contribute to these second- and third-order effects through direct and indirect violent actions on behalf of VMTCOs.<sup>332</sup>

Recommendations for definitions by the Southwest Border Task Force<sup>333</sup> to the Homeland Security Advisory Council are synonymous with movement away from the term spillover violence but are still hinged on semantics rather than an analytical framework. The five definitions—criminal violence, border-related organized crime violence, violence against law enforcement agents, border violence, and spillover violence—also add more complexity and the recommendations are solely focused on spillover violence that comes from Mexico. The overall concept is still based on data submitted to the UCR program and will have the same methodological difficulties that currently exist. The task force recommendations recognize the importance of building a framework through metrics for capturing spillover violence away from the Southwestern border, which is in agreement with National Drug Intelligence Center statistics that place VMTCOs in over 1,000 U.S. cities. However, the distinction between border violence and spillover violence clouds the discussion and is reminiscent of rhetoric surrounding manifest destiny and the Mexican-American War when it mentions “violent acts that occur in the U.S.-Mexican territory.”<sup>334</sup> Suddenly, there is no recognition of sovereign borders when discussing potential violence that helps support the claim that “there are no current examples of spillover violence.”<sup>335</sup> Ignoring the political overtones, the task

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<sup>330</sup> On October 7, 2011, the Texas Department of Public Safety issued a statement that school age children were at risk of being recruited by Mexican VMTCOs; a rash of recruitment attempts within the previous months instigated the warning; Texas Department of Public Safety press release PIO 2011-112 dated October 14, 2011.

<sup>331</sup> James C. McKinley, Jr., “Mexican Cartels Lure American Teens As Killers,” *New York Times*, June 22, 2009, <http://www.nytimes.com/2009/06/23/us/23killers.html?pagewanted=all>.

<sup>332</sup> See Texas Fusion Center, *Texas Gang Assessment 2010*.

<sup>333</sup> Homeland Security Advisory Council, *Southwest Border Task Force Recommendations*, 15.

<sup>334</sup> *Ibid.*, 17.

<sup>335</sup> *Ibid.*

force's report does not consider VMTCO gun battles with other VMTCOs or the Mexican government in border towns adjacent to Texas.<sup>336</sup> Gunfire from these battles crosses the border.<sup>337</sup>

Finally, the recommended working definition for spillover violence includes intimidation by VMTCOs. Intimidation is a subjective term with no real tangible effect and is dependent on the person and the circumstance. Its foundation relies on anecdotal evidence and infers that such accounts be considered when establishing spillover violence. The reliance on a simple definition with no analytical framework or metric cannot capture intimidation used by VMTCOs. The definition becomes hollow, political rhetoric if there is or metric available to measure the impact of VMTCO violence crimes within this working definition.

The myriad of definitions offer no real clarity on the issue of spillover violence, other than recommending different yet inclusive terms. The term spillover itself is the politicized term within this construct because of the accusatory tone it attributes with its use. This continues to cause turmoil at all levels of discourse and ignores the violence. None of the definitions collected within this thesis recommend a metric—other than UCR program—on how to statistically capture spillover, but do infer that investigative and intelligence driven law and military operations (like Operation Border Star) are needed to classify incidents. An analytical framework that includes investigative and intelligence driven operations are key to assigning valuable and tangible results while the UCR program, by itself, remains a distinctly deceptive metric used to categorize, not capture, spillover violence.

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<sup>336</sup> TXDPS issues warnings regularly about ongoing gun battles in border towns adjacent to Texas. The battles are often heard from the U.S. side. These battles are also reported in the media; for example, KRGV.com, "Gunbattle Breaks Out Near Matamoros," January 24, 2012, <http://www.krgv.com/news/gunbattle-breaks-out-near-matamoros/>.

<sup>337</sup> On February 21, 2012, a bullet from a gun battle in Juarez struck a woman pushing a stroller in El Paso, Texas. Fox News Latino, "Stray Bullet from Mexico Gunfight Strikes Woman in Texas," February 22, 2012, <http://latino.foxnews.com/latino/news/2012/02/22/mexico-bullet-strikes-woman-in-texas/>.

## **B. THE NEED FOR OBJECTIVE METRICS**

Neither methodology within the UCR Program maintains a definitive method for capturing spillover violence. How can a nationwide reporting methodology be expected to accurately capture spillover violence without a concrete and accepted definition? Neither lack of a definition nor a FBI warning that UCR data is not designed to rank regions stops its use within political discourse to assert conclusions about spillover violence.

### **1. The Defacto Method**

According to the FBI, the Summary System “limits the reporting of offenses known to the eight selected crime classifications because they are the crimes most likely to be reported and most likely to occur with sufficient frequency to provide an adequate basis for comparison.”<sup>338</sup> Defining Part I violent crimes—murder, rape, assault and robbery—does not necessarily translate into the most serious crimes nor does it include signature VMTCO involvement with kidnapping, corruption of public officials, money laundering or drug trafficking.<sup>339</sup> Crimes that occur frequently enough for nationwide comparative analysis exclude major crimes associated with spillover violence by definition within the Summary System. Kidnapping, corruption of public officials, money laundering or drug trafficking are deemed too infrequent to catalog within the aggregate tallies of the Summary System.

The Summary System is also incapable of examining complex relationships.<sup>340</sup> For example, the hierarchy rule encourages a one crime, one offense mentality and does not provide the systems-thinking perspective needed to address the complexities of organized criminal organizations. Relationships between murder and kidnapping or assault and corruption are not captured in the Summary System because they are prevented by the hierarchy rule. The Summary System is not designed to illuminate

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<sup>338</sup> The Federal Bureau of Investigation, “Uniform Crime Reports.”

<sup>339</sup> Drug trafficking is not to be confused with drug abuse in *Part II* crimes.

<sup>340</sup> Lesko, *Uniform Crime Reports Program*, 2.

intricate details of criminal behavior. Rather, it is an aggregate system and, by default, generalizes criminal activity into broad categories dependent upon nationwide trends for comparison. Spillover violence in this case, however, is tailored toward the Southwestern border, as well as cities with known VMTCO presence. The Summary System is not designed to collect data on specific criminal trends.

Separating crimes into Part I and Part II categories is crucial in how they are reported within the Summary System to the UCR program. For violent crimes, one crime is reported for each person involved in the incident. If an intruder murders a husband and wife in their house, both murders are reported. However, if the intruder rapes the wife, but murders the husband, only the murder is reported because of the hierarchy rule.<sup>341</sup> For property crimes, one offense is reported to the UCR program for each incident, not necessarily each crime. For example, if a thief robs each in a group of four women in a parking lot, only one robbery is reported to the UCR program. However, if the thief robbed each woman and then stole one's car, both one robbery and a motor-vehicle theft are reported to the UCR program.<sup>342</sup>

Crimes most likely to be reported also pose a significant problem when discussing spillover violence and the Summary System. If a crime is not reported, it carries no statistical weight within the aggregate system and essentially does not exist. It is naïve to assume that all crimes centered on spillover violence are reported, especially when considering VMTCO involvement in lucrative human smuggling, extortion, corruption of public officials, and kidnapping. Targets of such crimes include illegal immigrants who may be unlikely to report criminal activity that include distrust of law enforcement, fear of deportation and inability to report a crime based on context, such as extortion or human smuggling.<sup>343</sup>

Perception also plays a pivotal role in how spillover violence is reported. One Texas rancher along the Southwestern border claims “we see a lot of things, but we keep

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<sup>341</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 11.

<sup>342</sup> Ibid.

<sup>343</sup> Robert J. Sampson, “Rethinking Crime and Immigration,” *Contexts* 7, no. 1 (Winter 2008): 30.

our mouths shut about it...we just don't want to be on anybody's hit list.”<sup>344</sup> This perception may be described as fear of VMTCO retribution and is based on powerful anecdotal evidence—that is, what is experienced and discussed amongst peers—rather than national criminal statistics. The end result is the same: U.S. citizens are affected by the threat or perception of spillover violence. Fear can be considered intimidation and is, therefore, considered spillover violence under new recommendations to the Homeland Security Advisory Council.

Although the Summary System is the most common avenue for law enforcement agencies to aggregate and report crime, it has obvious complications that lead to subjectivity and omission of certain crimes. This is recognized in the law enforcement community and leads to a second method of classifying crime in NIBRS. The political discourse infers that VMTCO violence crossing the Southwestern border is an emerging threat within the homeland security era. Reliance upon the current UCR program to provide a realistic picture of the threat is outdated and requires an alternative analytical framework that accurately measures the VMTCO threat.

## **2. An Alternative System**

NIBRS is intended to augment local law enforcement incident-based reporting systems allowing local agencies to develop needs-specific data within a respective jurisdiction.<sup>345</sup> The original intent was to take advantage of available crime data secured in law enforcement record management systems, provide considerably more detail and yield more elaborate and functional data than the Summary System.<sup>346</sup> TXDPS maintains switching to a NIBRS management system will capture spillover violence and provide a more accurate account of the VMTCO threat. NIBRS will capture a more accurate account of the crime because of the additional crimes it captures and the subsequent data

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<sup>344</sup> Manny Fernandez, “State Web Site Chronicles Drug Violence on Border Farms,” *The New York Times*, February 16, 2012, <http://www.nytimes.com/2012/02/17/us/texas-agencys-web-site-warns-of-border-violence.html?pagewanted=all>.

<sup>345</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 14.

<sup>346</sup> Lesko, *Uniform Crime Reports Program*, 1.

fields it requires, but that does not necessarily translate into capturing spillover violence. NIBRS will include such offenses as kidnapping and extortion that Texas maintains must be included when discussing spillover violence. This will provide a better picture of the circumstances surrounding the crime, but lends no statistical weight toward spillover violence. Texas, however, can develop its own data fields within the state incident-based reporting system to reflect the spillover violence category. For example, the Association of State Uniform Crime Reporting Programs released a survey of additional data elements identified by various NIBRS state programs (Table 6).<sup>347</sup> Texas can create a field for violence attributed to VMTCOs within NIBRS.

<b>Association of State Uniform Crime Reporting Programs NIBRS Survey</b>	
Domestic Violence	Sexual Assault
Hate Crimes	Suicide
Vehicular Homicide	Crimes Against the Elderly
Drug Labs	Carjacking
Canine Injured/Killed in the Line of Duty	Anti-Reproductive Rights Crimes

Table 6. Association of State Uniform Crime Reporting Programs NIBRS Survey

### 3. Intricacies Between the Two

A logical assumption defines the violent crime within the UCR program as either a Part I or Group A offense. Two methods of inquiry surrounding the Summary System and NIBRS offenses are warranted. The Summary System reports murder, forcible rape, burglary and aggravated assault. A person murdered by a VMTCO sicario<sup>348</sup> will register one murder, but there is no statistical methodology for capturing the crime as spillover violence within the Summary System even if law enforcement attributes the murder as such. Property specific to spillover violence crimes may not be captured (with the exception of arson) because of the hierarchy rule. This assumes a property crime by itself

<sup>347</sup> Lesko, *Uniform Crime Reports Program*, 2.

<sup>348</sup> On January 24, 2012, a Laredo federal jury convicted Los Zetas VMTCO sicario Gerardo Castillo Chavez for racketeering, conspiracy and weapons charges. He is suspected of two Laredo deaths in 2006. KRGV.com, "Extra Security in Place for Trial of Alleged Zeta Hitman in Laredo," January 23, 2012, <http://www.krgv.com/news/extra-security-in-place-for-trial-of-alleged-zeta-hitman-in-laredo/>.

does not constitute violence (even if associated with a simple assault). If a home is burglarized by a VMTCO member looking for weapons—a common complaint by Texas ranchers living in border communities<sup>349</sup>—only a property crime is entered into the Summary System and it can be argued that no violent act occurred. The reliance on definitions of spillover violence alone fails to account for these kinds of VMTCO violent crimes and posits an argument for an analytical framework that provides data in a systematic and realistic manner.

There are several additional violent crimes captured within NIBRS including kidnapping, abduction, all assaults and sexual offenses, and NIBRS does not honor the hierarchy rule. Working from the assumption that violence may be used alongside other offenses, additional Group A offenses are captured including weapons violations (the Summary System only collects weapons information for murder), extortion, burglary, larceny and drug offenses (including trafficking). Each crime will register as a separate offense. NIBRS requires 52 additional data elements on each offense<sup>350</sup> that may help identify the crime as spillover violence. However, there is still no statistical methodology for capturing the crime as spillover within NIBRS even if attributed as such by law enforcement.

UCR data—in particular data inputted from the Summary System—is the main method of chronicling nationwide criminal activity and has become a general indicator of planning, budgeting, and community safety in terms of future criminal threats.<sup>351</sup> It is, therefore, logical to assume UCR data provides an aura of credibility when discussing criminal matters. The UCR program has not migrated fully to accepting the NIBRS methodology despite its superiority in capturing general crime and instead relies on the Summary System. Over 90% of the U.S. population is represented by law enforcement agencies that are submitting Summary System data, not NIBRS, and NIBRS has quite some distance before full implementation. Even Texas translates (classifies) and tallies

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<sup>349</sup> McCaffrey and Scales, *Texas Border Security: A Strategic Military Assessment*, 24–25.

<sup>350</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 51.

<sup>351</sup> Lesko, *Uniform Crime Reports Program*, 2.



(scores) submitted NIBRS data into the Summary System before submitting to the UCR program. Until the FBI receives a majority of data in NIBRS format, it will continue to use the Summary System as a benchmark for reporting national crime statistics.<sup>352</sup> Therefore, when UCR data is paraded within the political discourse it is important to remember the rules and reporting mechanisms by which it is regulated.

The basis of the UCR program relies on crimes known to law enforcement. By definition, it does not account for crimes that are not reported which distracts from the accuracy of the UCR data. A violent crime not reported is still a violent crime, but neither known to law enforcement nor reflected in the statistics.

The UCR program maintains checks and balances for inputting data, but cannot control the accuracy of the individual filing the report. The accuracy in filing a report is not deemed as valuable by law enforcement officers as the work that went into stopping the crime.<sup>353</sup> A transition to the NIBRS system amplifies the problem, as more data elements are required when filing the report and requires more time and attention.<sup>354</sup> This also fuels concern that NIBRS will lead to elevated crime statistics, whether related to database entry or actual crime, which can be a public relations nightmare.<sup>355</sup> It is certainly not within a city mayor or police chief's interest to announce that violent crime is on the rise. From the mayor's perspective, this projects dangerous conditions exist within the community and is bad for tourism and business. From the police chief's perspective, it maintains law enforcement efforts are incapable of maintaining order. Accuracy of the UCR program cannot control either of these subjective influences.

Using publically accessible UCR data familiar to a majority of municipalities plays well into the political discourse, but does not necessarily provide a realistic picture. The current data only captures four violent crimes and is not necessarily inclusive depending on the applications of the reporting system and requirements, such as the hierarchy rule. Texas maintains VMTCO procedures garnered from intelligence-driven

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<sup>352</sup> Lesko, *Uniform Crime Reports Program*, 3.

<sup>353</sup> Mosher, Miethe, and Hart, *The Mismeasure of Crime*, 80.

<sup>354</sup> Ibid.

<sup>355</sup> Ibid.

operations like Operation Border Star add several violent crimes to the equation. Low violent crime rates espoused by Secretary Napolitano during visits to Texas border communities are not necessarily reflective of violence along the border. As mentioned, the El Paso MSA shows an increase in violent crimes since 2006 despite Secretary Napolitano's claim that is going down. El Paso Mayor John Cook acknowledges there is spillover violence, but says it is rare.<sup>356</sup> The UCR program uses different methodologies to capture violent crimes and its understanding is crucial in gaining a realistic picture of violence in a community. The restraints in current violent crime reporting methodologies further fuel the political discourse surrounding VMTCO violence across the Southwestern border. An analytical framework based on objective metrics specific to this threat must be used as VMTCO violence becomes center stage as an emerging threat to the homeland security project. Otherwise, the political narrative will continue to base its agenda and rhetoric upon inaccurate and misleading statistics.

### **C. PUTTING REALITY TO USE ON THE BORDER**

The United States and Texas have contributed massive resources to the Southwestern border in the last several years and there are now more federal resources on the border than ever before.<sup>357</sup> Texas has followed suit with a collaborative law enforcement effort, driven by intelligence, in Operation Border Star. The success of Operation Border Star offers a different threat picture for the Texas border and encourages viewing spillover violence in a larger context. State issued warnings to law enforcement concerning gun battles in border towns adjacent to Texas between VMTCOs or Mexican government forces are a mainstay.<sup>358</sup>

VMTCO involvement with illegal entry of special interest aliens through human smuggling and affiliations with terrorist organizations remain a credible threat. Drug,

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<sup>356</sup> John Burnett, "'Spillover' Violence From Mexico: Trickle or Flood?," *NPR*, July 6, 2011, <http://www.npr.org/2011/07/06/137445310/spillover-violence-from-mexico-a-trickle-or-flood>.

<sup>357</sup> Department of Homeland Security, "Secretary Janet Napolitano, before the Senate Committee on Homeland Security and Governmental Affairs: "Securing the Border: Progress at the Federal Level.""

<sup>358</sup> The Texas Fusion Center, in coordination with BSOC and JOICs, releases information to law enforcement agencies concerning ongoing battles between VMTCOs and government forces.

weapons and cash seizures show no sign of decreasing.<sup>359</sup> Corruption remains a concern and has warranted the full attention of the FBI along the Texas border.<sup>360</sup> Operation Border Star suggests that traditional involvement with drug trafficking is no longer the only threat VMTCOs pose to the Texas border. Each potential threat presents second- and third-order possibilities of violence that is traceable to VMTCOs.

The resource allocation pool directed toward border operations from the federal government and Texas must factor into the viability of the VMTCO threat and subsequent spillover violence. Comparing UCR data from the Summary System in Texas with the 10 most violent cities in the United States for 2010 supports the notion that the border is far more secure than U.S. inner cities (Figure 17).

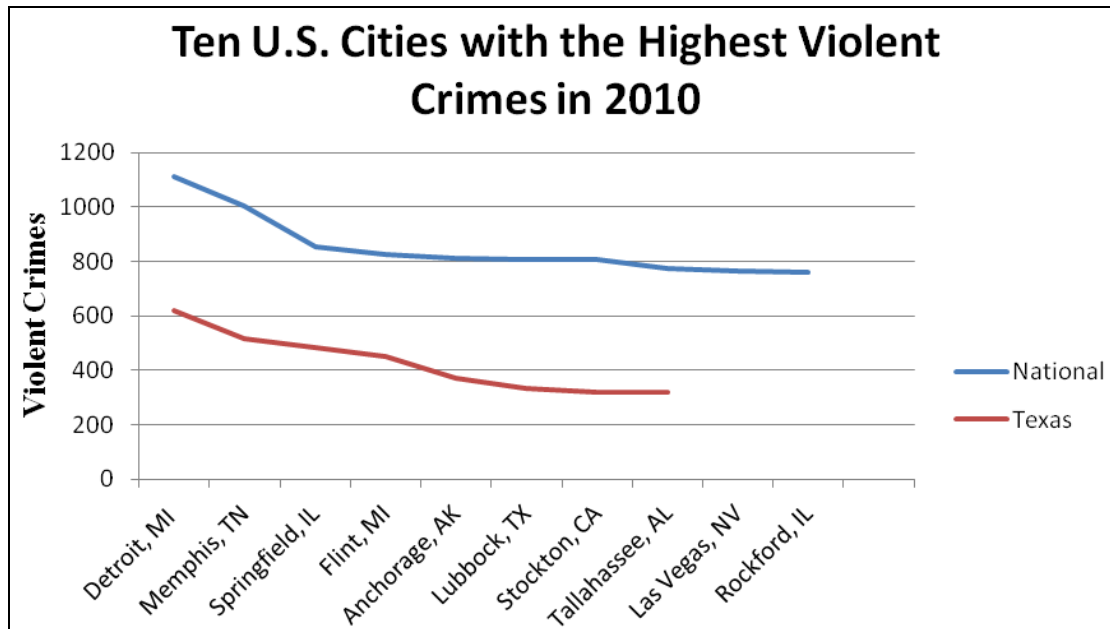


Figure 17. Ten Cities with the Highest Violent Crime Rates Compared to Texas

<sup>359</sup> U.S. Government Accountability Office, *Testimony Before the Subcommittee on Border, Maritime and Global Counterterrorism, Committee on Homeland Security, House of Representatives, Alien Smuggling, DHS Could Better Address Alien Smuggling along the Southwest Border by Leveraging Investigative Resources and Measuring Program Performance* by Richard M. Stana, (GAO-10-919T), Washington, DC: GPO, 2010, 1.

<sup>360</sup> The new Special Agent in Charge of the San Antonio FBI Field Office, Armando Fernandez, lists border corruption as a top priority.

Ironically, Lubbock, Texas makes the list as the fifth most dangerous city per 100,000 persons based on four violent crimes known to law enforcement. Reviewing UCR data by itself ignores the resources and financial commitment put forth through federal programs and Operation Border Star. Rather than use UCR data to claim the border is more secure now than ever before, ask how many military and law enforcement resources are dispatched to the Texas border per 100,000 persons to combat the VMTCO threat. Operation Border Star dedicates ground, air and marine resources based on concrete problems, all of which have ramifications to spillover violence. Intelligence and experience on VMTCO capability recommend the state insert shallow water interceptors—gunboats—along the border. How are these contemporary resources financially justified and operationally warranted if spillover violence is an exaggerated claim and the border is more secure now than ever before? Such details are not reflected in UCR data, but are debated and discussed within the same political circles that request and allocate the funds to support Operation Border Star. The resources committed by the federal government and Texas lend validity to the argument that the border is not secure.

The discourse appears to work both ways. Texas claims the rural border regions saw a significant reduction in “index crimes”—meaning, Summary System Part 1 data—due to the implementation of border operations.<sup>361</sup> Governor Perry’s reelection campaign stated the federal government was not doing enough for border security. Therefore, Texas secured funding for border operations and the results have produced a 65% reduction in violent crimes between 2005 and 2007.<sup>362</sup> Data used to support the 65% reduction comes from the Summary System and excludes major Texas towns. As a result, Texas claims, “additional local law enforcement initiatives are needed that are singularly focused on the reduction of violent border crime” to ensure lasting results.<sup>363</sup> The UCR data in this case is used to support a political platform (crime is going down) and a call to arms (more resources are needed) and is a prime example of how the data can be manipulated.

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<sup>361</sup> Perry, *Texas Homeland Security Strategic Plan 2010–2015*, 40.

<sup>362</sup> Taken from Governor Perry’s 2008 campaign website 2008. “Perry Governor,” (n.d.), <http://www.rickperry.org/>.

<sup>363</sup> Perry, *Texas Homeland Security Strategic Plan 2010–2015*, 40.

Operation Border Star demands that a view of spillover violence from a systems-thinking perspective. Using spillover violence as a singular determinant of border security is not reflective of strategic thinking. Violence is an obvious tangible threat of VMTCO activities along and within the border. Military capability, ties to terrorist organizations, corruption, kidnapping and extortion used together with violence exhibit a much greater strategic threat. Operation Border Star represents how second- and third-order effects of spillover violence can result from activities like gang affiliation, juvenile recruitment into VMTCOs, and human smuggling. These second- and third-order effects may not represent outright signs of violence on the front end, but will remain issues of the future.

#### **D. FRAMING THE ISSUE**

Spillover violence has become a political lightning bolt within the discourse surrounding border security, community stature on both sides of the border and enforcement efforts. The scope of spillover violence has divergent meanings that polarize the discourse and affect the narrative on the true threat. There is no congruent definition that shares responsibility for the growing threat from VMTCOs and the term suggests a one-way path into the United States. The discourse will continue to deteriorate around the social construct that frames the discussion as no one definition alone can capture the emerging and dynamic VMTCO threats. Rather than another definition to describe what spillover violence may or may not entail, a congruent analytical framework is needed that captures the full impact of VMTCO violence and activities with research-based objective metrics.

Operation Border Star and the UCR program represent how national metrics must be amended to include actionable findings tailored to a specific threat. UCR data has morphed into the methodology used to document and clarify spillover violence in border communities, but analysis highlights the inaccuracies and deception of using this data as a singular determinant. More information is needed to clarify the situation.

Data reviewed in Operation Border Star indicates that all aspects of border related violence continue to increase despite the enormous efforts put forth by the federal and

state governments. While this shows progress and success in the initial stages, it also signifies a sustained and evolving threat. Increased resources along the border do not necessarily translate into safer communities. The VMTCO threat and subsequent violence that crosses the border is growing and it will take more resources to effectively combat future trends. Operation Border Star represents a targeted approach to combating VMTCO activity along and within the border and the systems-thinking perspective needed to comprehend the actual and potential effects of spillover violence. Combining targeted approaches like Operation Border Star with research-based objective metrics will help form an analytical framework that accurately gauges the VMTCO threat and violence coming across the Southwestern border.

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## V. PUTTING IT ALL TOGETHER

What we've learned is that the evidence of where a war is going begins with anecdotal evidence. You don't wait for the statistics to be rolled out.<sup>364</sup>

– U.S. Army Major General Robert Scales (ret)

Violence is occurring in Texas as a result of the Mexican drug war and the discourse is focused on semantics rather than reality. The Texas-Mexico border is not immune from violence, but it is not exactly a war zone either. The political discourse has a unique way of framing the narrative to fit an agenda, and in this case, is using national crime statistics from the UCR program to make its point. This thesis argues removing the focus on definitions and replacing it with an analytical framework that is based upon research and realistic metrics that enable policy makers to make informed decisions that protect the Southwestern border and increase American awareness of the emerging VMTCO threat.

### A. RECOMMENDATIONS

The thesis set out to answer two research questions concerning the framework of spillover violence and the metrics used to capture it and, through analysis, makes two recommendations:

1. Remove the bias of “spillover violence” and migrate toward an analytical framework outside political agendas that encompasses “cross-border violence” and a critical analysis of emerging threats posed by VMTCOs in a systematic manner.
2. Use the analytical framework to transition to a NIBRS methodology with tailored data categories specific to cross-border violence that is based upon intelligence-driven engagements like Operation Border Star.

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<sup>364</sup> Jeremy Schwartz, “Report Cites Anecdotes to Show Spillover Border Violence,” *statesman.com*, September 26, 2011, <http://www.statesman.com/news/Texas-politics/report-cites-anecdotes-to-show-spillover-border-violence-1881101.html>.



## **B. RE-FRAMING CROSS-BORDER VIOLENCE**

Terminology is affecting the discourse between nations, states and cities. Spillover violence is not an accurate term politically or geographically. Politically, the term focuses blame for increased violence from the Mexican drug war solely upon Mexico, and takes no ownership of how it is occurring. The United States has committed \$1.4 billion in funding initiatives through the Merida Initiative in attempt to help stop VMTCO violence and keep it from spreading. Law enforcement and judicial reform, increased intelligence sharing, and military weaponry and training are just a few of the programs aimed at curbing the threat posed by VMTCOs.<sup>365</sup> Yet, violence is rampant throughout Mexico and crossing a shared border. The political discourse conveniently side steps the U.S. contribution to the problem in the form of drug demand, gang affiliations, corruption, and weapons and cash smuggling. This shared responsibility helps fuel the drug war and violence throughout both nations is a result.

Geographically, violence does not change meaning after crossing a shared border. The violence is not tolerated in the United States as it is in Mexico, and the VMTCOs understand this concept quite well. If VMTCOs were not rational organizations that understood this underlying prohibition, this research suggests that many Texas cities would experience the beheadings and mutilations currently taking place just across the border in Mexico. If VMTCOs confronted U.S. law enforcement or military forces as aggressively as they do in Mexico, the result would end poorly for them as the competency level of U.S. forces is significantly greater than their Mexican counterparts. Additionally, research suggests that although corruption of U.S. officials is certainly present, VMTCOs have not had the same success corrupting U.S. officials as they have

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<sup>365</sup> *The Four Pillars of Merida*, Public Affairs Section of the U.S. Embassy Mexico City. Efforts include technology enhancements to law, military and border security; maritime shipment interdiction efforts; curtailing the illicit flow of products and people across the border while increasing legitimate economic efforts; increase infrastructure; and, strengthen community resilience and restore trust and confidence through job programs, youth engagement programs, and expanding “social safety nets.”

with their Mexican counterparts.<sup>366</sup> However, corruption is rising along the border and changing the dynamic that only Mexican officials are susceptible to VMTCO corruption efforts.<sup>367</sup>

Simply changing the terminology does not solve any of the issues that need to be addressed. Rather than focusing on politically charged frames for understanding the issue, both countries should form a collaborative effort in confronting cross-border violence. Progress could be made through an educational platform at the international, national and state levels to establish an understanding and agreement on how cross-border violence is defined and measured. Mexico's experience allows it to use specific parameters for measuring VMTCO violence, particularly homicides, related to the drug war.<sup>368</sup> Synonymous methods of categorizing incidents attributed to VMTCOs may be utilized by both Mexico and the United States and tailored to current trends indicative of ongoing violence to portray a more accurate picture of what is really happening.

However, the new narrative toward a shared responsibility will not sit well with some in the political arena who claim the United States is not at fault for violence stemming from the Mexican drug war. A simple counter-narrative questions why VMTCOs are exponentially increasing business operations within the United States. The United States wants something the VMTCOs have (e.g., drugs) and is willing to pay a premium. Implementation begins across all levels of government and starts with strategies to combat cross-border violence gleaned through intelligence driven operations between the two countries.

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<sup>366</sup> Robert Bunker, "Mexican Cartel Strategic Note No. 5, Border Corruption of US Officials by the Mexican Cartels & Cases Shown," The Small Wars Journal Blog, entry posted October 19, 2011, <http://smallwarsjournal.com/blog/mexican-cartel-strategic-note-no-5>.

<sup>367</sup> Col Mason, "Perversion of Local Governments Crippling US Homeland Security As in Mexico," *examiner.com*, August 20, 2012, <http://www.examiner.com/article/perversion-of-local-governments-crippling-us-homeland-security-as-mexico>.

<sup>368</sup> Molzahn, Ríos, and Shirk, *Drug Violence in Mexico: Data and Analysis Through 2011*, 5. Mexico classifies how it captures homicides related to the drug war as "homicides allegedly caused by criminal rivalry." Victims must exhibit two signs from the following six categories: the victim was killed by high caliber firearms, the victim presents signs of torture or severe lesions, the victim was killed where the body was found, or the body was located in a vehicle, the body was wrapped with sheets, taped, or gagged, the homicide occurred within a penitentiary and involved criminal organizations, special circumstances (e.g., victim was abducted prior to assassination, ambushed or chased), an alleged member of a criminal organization, or found with a narco-message on or near the body.

Cross-border violence is a more accurate frame that indicates shared responsibility, removes the notion that either country is solely at fault<sup>369</sup> and admits the violence is caused on both sides of the border. Creating an analytical framework attempts to move the political discourse into a more meaningful direction that better compliments the law and military enforcement resources in place to combat the threat and allows the focus to remain on reality, not political grandstanding.

Operation Border Star is one example of how an analytical framework can be applied. Operation Border Star monitors and measures VMTCO activities crossing the shared border in both directions through a network of Joint Operation Intelligence Centers (JOICs) that measure violent activities throughout the U.S.-Mexico border regions. The Border Security Operation Center (BSOC) analyzes this raw information for similarities both within Texas and Mexico, and develops finished intelligence products that enable appropriate decision making capabilities.

The analytical framework relies on incident details specific to VMTCO trends in Texas and Mexico, rather than generalized crime categories and rules, through a systematic method that is shared throughout Texas. The framework can be reproduced for other Southwestern border states, and the federal government, and produces effective data on the threat independent of any political narrative.

### **C. THE NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS) AND INTELLIGENCE DRIVEN ENGAGEMENTS**

The UCR program is a national, recognized metric for providing crime statistics and a favorite for “proving” how safe the border is from violence. However, analysis reveals that the current UCR Summary System is not only an inaccurate methodology, it

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<sup>369</sup> Mentioned within the literature review, Mexico blames the violence on lax U.S. gun control laws and an insatiable appetite for drugs (demand) while the U.S. blames Mexico for an inability to curtail drug supply and violence.

is also deceptive.<sup>370</sup> A new narrative is needed that transitions to a form of NIBRS methodology while incorporating intelligence driven engagements like Operation Border Star.

Capturing cross-border violence within a confined metric is difficult. The TXDPS claims switching to NIBRS will assist in identifying cross-border violence, but this is an unfounded claim without more research. The research within this thesis has shown that including all crimes of murder, assault, kidnapping, rape, threats against law and military enforcement, as well as reclassifying the crime of torture within NIBRS, will more effectively capture the impact of cross-border violence, and allow a more effective evaluation of policy and enforcement needs. The research also recommends a concentration on any established nexus to VMTCOs including second- and third-order effects like U.S. gang affiliations and recruitment, extortion; corruption, drugs, weapons and cash movemen, and intimidation. Establishing a nexus is important for cross-border violence; it sets parameters for violence that occurs away from the border, and distinguishes routine violence from inter- and intra-VMTCO rivalries, as well as those with government forces, and allows the framework to capture incidents away from the border as these organizations increase in presence throughout the United States.

The research within this thesis indicates that a true metric for claiming cross-border violence must include an intelligence component that can assert a nexus to VMTCO activities and argues that Operation Border Star serves as one example. Texas is successful in combating the VMTCO threat, as well as second- and third-order effects of cross-border violence, and maintains the statistics to argue success based on what the research recommends—through intelligence—rather than upon a political narrative steeped in ideology. However, there is no stand-alone metric that will account for cross-border violence without providing a “check this box here” option within NIBRS. Even

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<sup>370</sup> For example, the New York City Police Department’s CompStat program recently received negative reviews for “fudging” crime statistics. Rob Kall, “NYPD Cops Fudged Crime Stats in Compstat Model Program Now Used in 100s of US Cities,” *OpEdNews.com*, February 7, 2012, <http://www.opednews.com/articles/NYPD-Cops-Fudged-Crime-Sta-by-Rob-Kall-100207-650.html>.

so, it still demands an intelligence and investigative component to assert the VMTCO nexus. Combining an index methodology like NIBRS with state-tailored data elements provides a formal metric.

NIBRS is an operational methodology, but no data will be accepted into the UCR program until a majority of agencies submit data in NIBRS format.<sup>371</sup> Agencies are not using NIBRS because there is concern it will result in higher crime indexes and implementation costs.<sup>372</sup> NIBRS by design records more crime. Not only does NIBRS collect more data about each crime, it also collects more crime because it is not subject to the confines of the hierarchy rule in multi-offense crimes. This provides a more accurate picture of crime within a community and a better understanding of cross-border violence. However, there is concern that recording more crimes translates into higher crime rates that may not sit well with police chiefs, town mayors and local politicians.<sup>373</sup> Inflated crime rates, independent of real crime, may not be good for job security, business, livelihood or tourism.<sup>374</sup>

A review by the U.S. Department of Justice Bureau of Justice Statistics found that violent crime rates between the UCR Summary System and NIBRS differ by less than 1%.<sup>375</sup> Murder rates between the two systems remain the same, but NIBRS reports less than 1% higher for aggravated assault, rape and robbery. Areas with lower crime in general experience exaggerated changes with removal of the hierarchy rule and need to rely on actual numbers rather than percentage differences.<sup>376</sup> The assault category is important because NIBRS counts aggravated assaults, simple assaults and intimidation separately,<sup>377</sup> which become important when discussing cross-border violence. The crime

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<sup>371</sup> Lesko, *Uniform Crime Reports Program*, 3.

<sup>372</sup> Ramona R. Rantala, *Effects of NIBRS on Crime Statistics* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2000), 2.

<sup>373</sup> U.S. Library of Congress, Congressional Research Service, *How Crime in the United States is Measured*, 41.

<sup>374</sup> Paul A. Bourne, "Crime, Tourism and Trust in a Developing Country," *Current Research Journal of Social Sciences* (March 10, 2010): 70.

<sup>375</sup> Rantala, *Effects of NIBRS on Crime Statistics*, 3.

<sup>376</sup> *Ibid.*, 2.

<sup>377</sup> *Ibid.*, 5.

index is only a statistical representation and allows the political discourse to construct a more appropriate narrative for the community. Crime itself does not rise by switching to NIBRS, only the value in the data and how it is received by the public.<sup>378</sup>

Switching to NIBRS may also involve cost. Agencies that participate in NIBRS must have computerized data systems capable of processing NIBRS data.<sup>379</sup> That presents tangible problems for agencies that still rely on manual reporting mechanisms or do not yet report into the UCR program. According to the research, there is no way of estimating the costs associated with switching to a NIBRS format.<sup>380</sup> There are costs in design and implementation, server requirements, support staff, maintenance and training, and all will vary greatly between agencies depending on current operational capability.<sup>381</sup> Although grant funding for NIBRS implementation is not currently available,<sup>382</sup> taking a collaborative approach in educating policy makers and community members (who pay the taxes) about the true benefits of NIBRS will improve future local, state and federal funding options.

The community is the most important part of the collaborative environment. Victims of crime come from the community. When an intruder breaks into a house, murders the husband and rapes the wife only one crime offense is recorded in the current Summary System because of the hierarchy rule.<sup>383</sup> Therefore, citing violent crime rates compiled with Summary System data is both inaccurate and deceptive. Violent crime is not trending down if the rape and burglary (listed as a violent crime) are not counted in the referenced statistic.

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<sup>378</sup> The value in data may warrant a public explanation to ensure understanding.

<sup>379</sup> Lesko, *Uniform Crime Reports Program*, 4.

<sup>380</sup> Michael N. Baltramo, *Cost Issues of Implementing the National Incident Based Reporting System in Local Law Enforcement Agencies* (Sacramento, CA: The National Consortium for Justice Information and Statistics, 2007), 2.

<sup>381</sup> Baltramo, *Cost Issues of Implementing the National Incident Based Reporting System in Local Law Enforcement Agencies*, 2.

<sup>382</sup> NIBRS grant implementation funding stopped in 2001. Office of Justice Programs, Bureau of Justice Statistics, "Justice Statistics Improvement Program, National Incident-Based Reporting System (NIBRS) Implementation Program," (n.d.), <http://bjs.ojp.usdoj.gov/content/nibrs.cfm>.

<sup>383</sup> See FBI Uniform Crime Reports, "Crime in the United States," 2010, report issued September 2011.

The VMTCO threat requires a new analytical framework that captures VMTCO violence and activities based on intelligence-driven operations. VMTCOs are dynamic organizations and will evolve their procedures as the enforcement effort changes. Therefore, the analytical framework itself becomes dynamic because it is based on objective, research-based metrics.

Research presented within this thesis argues that there is no clear methodology used to classify cross-border violence. There are two major findings within the current system—the UCR program—that affect the political narrative when it comes to cross-border violence. First, there are no metrics in place within the system to directly target VMTCO violence; rather, crimes are segregated into general categories in attempt to capture those that are “most likely to occur.”<sup>384</sup> There is also a level of subjectivity involved in how violent crimes are inputted into the UCR program.<sup>385</sup> Ultimately, this may lead to inaccurate positions within the political discourse.<sup>386</sup>

Second, all violent crimes might not be recorded depending on the circumstances of the incident due to the rules of the system, such as the hierarchy rule.<sup>387</sup> Therefore, this thesis argues that lack of an analytical framework to place VMTCO-related violence into context leads to inaccurate claims of cross-border violence and severely limits its efficacy within the political discourse.

The political narrative surrounding cross-border violence should adopt an analytical framework that can be used to accurately describe the threat of cross-border

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<sup>384</sup> The Federal Bureau of Investigation, “Uniform Crime Reports.”

<sup>385</sup> Akiyama and Propher, *Methods for Data Quality Control: For Uniform Crime Reporting Programs*, 1.

<sup>386</sup> Hidalgo County, Texas sheriff’s office is under investigation for manipulating crime statistics in order to reduce cross-border violence indexes in favor of obtaining federal grant money. Sheriff Lupe Trevino has long maintained that he has effectively reduced “spillover violence” to a point that it is the exception and not the rule. Renee Nal, “The Border Conspiracy: Are Crime Statistics Being Diminished for Federal Grants? (Video),” *Gather*, August 20, 2012, <http://politics.gather.com/viewArticle.action?articleId=281474981566549>; Gary Martin, “Border Sheriffs Refute GOP Claims of Border ‘War Zone,’” *MySanAntonio*, November 16, 2011, [http://www.mysanantonio.com/news/local\\_news/article/Border-sheriffs-refute-GOP-claims-of-border-2272660.php](http://www.mysanantonio.com/news/local_news/article/Border-sheriffs-refute-GOP-claims-of-border-2272660.php).

<sup>387</sup> See FBI Uniform Crime Reports, “Crime in the United States,” 2010, report issued September 2011.

violence. Operation Border Star represents a targeted approach to combating VMTCO activity along and within the border and the systems-thinking perspective needed to comprehend the actual and potential effects of cross-border violence. It also supplies objective metrics that are based on cooperative intelligence efforts that accurately depict dynamic and emerging VMTCO threats.

An analytical framework based on objective metrics provides for a congruent political narrative that encompasses the full scope of VMTCO violence—including second- and third-order effects—and appropriately frames the discourse around an emerging homeland security issue.

#### **D. FINAL THOUGHTS: GLOBALIZATION AND A STRATEGIC LOOK FORWARD**

The daunting realities of terrorism and transnational crime, when wedded together, are quite alarming. Despite our apprehensions, it is evident that nations have little choice but to act together in order to frustrate the spread of these social viruses.<sup>388</sup>

Mexico is a long-term ally with the United States and the two countries are intertwined in many economic trade policies, as well as the tourism industry. NAFTA was instrumental in encouraging trade and investment between the United States, Mexico and Canada. Signed on January 1, 1994, the agreement formed a trilateral hegemon that remains the largest international economic agreement in the world.<sup>389</sup> Open borders and tourism are top priorities of the current U.S. and Mexican administrations. Unfortunately, these parameters also allow the propagation of illicit VMTCO activities. Following the theory that globalization causes insecurity,<sup>390</sup> the violence and terrorism tactics utilized by VMTCOs in Mexico will begin to increase in regions outside Mexico.

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<sup>388</sup> Kelly, Maghan and Serio, *Illicit Trafficking*, 92.

<sup>389</sup> Office of the United States Trade Representative, Executive Office of the President, “North American Free Trade Agreement (NAFTA),” (n.d.), <http://www.ustr.gov/trade-agreements/free-trade-agreements/north-american-free-trade-agreement-nafta>.

<sup>390</sup> Fathali M. Moghaddam, *The New Global Insecurity: How Terrorism, Environmental Collapse, Economic Inequalities, and Resource Shortages are Changing Our World* (Santa Barbara, CA: Praeger Security International, 2010).



VMTCOs are testing the internal security of Mexico as the drug war fuels hyper-violence throughout the country. Violence will continue to increase as VMTCOs struggle for control of lucrative smuggling routes within the United States, Mexico and Central America. Drugs are now only one of the VMTCOs' many business interests and the violence stems from territory control, not necessarily a specific commodity. The majority of the violence in Mexico occurs in its northern states<sup>391</sup> along the U.S. Southwestern border and is framing political narratives in the form of national security concerns.<sup>392</sup> An analytical framework can provide objective information that might prove valuable in this context of national security concerns. However, how could a comparatively small group of VMTCOs threaten the national security of two nations? This threat to security might be founded in subjective, albeit, irrational terms.<sup>393</sup> VMTCO size, in terms of traditional nation-state threats to national security is not important; rather, it is the perceived insecurity the threat causes to the local populace and policy makers. VMTCOs are accomplishing this through an ideology that includes assassinations, torture, beheadings, corruption, access to and proficient use of military weapons, and communication through social media and public messaging within Mexico, along the Southwestern border and into the United States.<sup>394</sup>

As globalization promulgates Mexico's international economic position, VMTCOs will attract more business and their violent tactics will receive more attention. The violence in Mexico is extremely public and, thus far, VMTCOs show no sign of retreating or revising tactics. Since globalization in western societies is largely an economic threat,<sup>395</sup> VMTCOs will continue to protect their business interests as well. Mexico's history proves that VMTCOs become increasingly hyper-violent when their

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<sup>391</sup> Molzahn, Ríos, and Shirk, *Drug Violence in Mexico: Data and Analysis Through*, 15.

<sup>392</sup> Evan Brown and Dallas D. Owens, *Drug Trafficking, Violence, and Instability in Colombia, Mexico, and the Caribbean: Implications for U.S. National Security*, ed. Strategic Studies Institute (Pittsburgh, PA, 2009).

<sup>393</sup> Moghaddam, *The New Global Insecurity: How Terrorism, Environmental Collapse, Economic Inequalities, and Resource Shortages are Changing Our World*, 9.

<sup>394</sup> Robert J. Bunker, *Narcos Over the Border: Gangs, Cartels and Mercenaries* (New York: Taylor & Francis, 2011).

<sup>395</sup> Fathali M. Moghaddam, *How Globalization Spurs Terrorism: The Lopsided Benefits of "One World" and Why that Fuels Violence* (Westport, CT: Praeger Security International, 2008), 7.

monopoly is challenged given over 50,000 deaths since the inception of President Calderon's military campaign that began in 2006.<sup>396</sup> To date, the United States operates under the assumption that VMTCO violence has not and will not cross into the United States simply because it is not within their business interests to challenge U.S. military or law enforcement efforts.<sup>397</sup> This only fuels our "tendency to look for evidence to support out prior expectations instead of being open to other possibilities"<sup>398</sup>—and is known as a confirmation bias in the literature<sup>399</sup>—which significantly increases U.S. risk within the global security construct.

While these threats are predominately felt in Mexico, they are spreading and affecting its northern and southern neighbors. VMTCOs are rapidly expanding within the United States; since the National Drug Intelligence Center 2008 annual report, the United States has experienced an approximate 450% increase in VMTCO presence.<sup>400</sup> Joint law enforcement operations like Project Coronado<sup>401</sup> are becoming common, span multiple states far from the Southwestern border, and are fueled by millions in cash.<sup>402</sup> VMTCOs are also increasing operations in Central American countries like Honduras and

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<sup>396</sup> Williams and Felbab-Brown, *Drug Trafficking, Violence and Instability*, 1.

<sup>397</sup> Clapper, *Unclassified Statement for the Record on the Worldwide Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence*, 24.

<sup>398</sup> Moghaddam, *The New Global Insecurity: How Terrorism, Environmental Collapse, Economic Inequalities, and Resource Shortages are Changing Our World*, 29.

<sup>399</sup> Danny Hope, "Decision Making & Behavioral Biases," (n.d.), [http://oce.sph.unc.edu/mgmt\\_super/spring2012/hicks\\_ho2\\_cognitive\\_biases.pdf](http://oce.sph.unc.edu/mgmt_super/spring2012/hicks_ho2_cognitive_biases.pdf).

<sup>400</sup> The NDIC 2008 report listed cartels in 230 U.S. cities whereas the 2011 report cited over 1,000.

<sup>401</sup> Project Coronado was a 44-month long multi-agency investigation led by DOJ involving the La Familia Michoacana VMTCO that affected 19 states, "led to the arrest of 1,186 individuals and the seizure of approximately \$33 million in U.S. currency, 1,999 kilograms of cocaine, 2,730 pounds of methamphetamine, 29 pounds of heroin, 16,390 pounds of marijuana, 389 weapons, 269 vehicles, and two clandestine drug labs." United States Department of Justice, United States Drug Enforcement Administration, "DEA Announces Largest Single U.S. Strike Against Mexican Drug Cartels," October 22, 2009, <http://www.justice.gov/dea/pubs/pressrel/pr102209a.html>.

<sup>402</sup> A multi-agency investigation led by DOJ involving the Los Zetas VMTCO affected four states, resulted in 14 arrests and seized assets allegedly worth \$20 million. United States Department of Justice, United States Drug Enforcement Administration, "Los Zetas Leader Miguel Angel Trevino Morales, Brothers Indicted in Money Laundering Scheme," June 12, 2012, <http://www.justice.gov/dea/pubs/states/newsrel/2012/hou061212.html>.

Guatemala.<sup>403</sup> The non-permissive U.S. environment and Mexican military operations are pushing VMTCOs into Central America where territory struggles continue for control of vital land and sea ports. The influx of VMTCO operations and business model has “devastating consequences for Central America, including spikes in violent crime, drug use and the corroding of government institutions.”<sup>404</sup>

In South America, Mexico signed the Pacific Alliance on June 6, 2012 with Colombia, Peru and Chile. The alliance is meant to “more deeply integrate their economies and develop new trade links with the Asia-Pacific region”<sup>405</sup> and is a prime example of globalization and Mexico’s attempt to have a part in U.S.-China dominated East Asia economic trade. The irony of a relationship with Colombia is not lost, as it is the world’s second largest cocaine producer behind Peru and home of the Revolutionary Armed Forces of Colombia (FARC) foreign terrorist organization.

VMTCOs are also rapidly expanding in North and South America, Southeast Asia, Africa and Europe and are outsourcing their modalities to existing illicit infrastructures requiring an international effort to combat the threat.<sup>406</sup>

Cross-border violence will continue to challenge the United States and Mexico until a viable solution is found to combat the growing VMTCO threat. Collaborative intelligence driven enforcement operations between the United States and Mexico will provide a formidable barrier along the shared border until the political discourse can break from its aberration of assigning blame and work toward a solution within the global construct.

As VMTCOs expand globally, the United States can learn from its successes in dealing with violence in Colombia in the later part of the 20th century and beginning of the 21st century. The rising power of drug traffickers and their use of hyper-violence and

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<sup>403</sup> Woodrow Wilson International Center for Scholars, *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, 63.

<sup>404</sup> Ibid.

<sup>405</sup> STRATFOR, *Pacific Alliance Faces Unique Challenge* (Austin, TX, 2012).

<sup>406</sup> Grace Wyler, “Mexico’s Drug Cartels Are Spanning the Globe,” *Business Insider*, June 21, 2011, [http://articles.businessinsider.com/2011-06-21/politics/30053839\\_1\\_mexican-cartels-sinaloa-european-markets](http://articles.businessinsider.com/2011-06-21/politics/30053839_1_mexican-cartels-sinaloa-european-markets).

terrorism resulted in a shifting U.S. strategy under President Clinton<sup>407</sup> during the final implementation stages of Plan Colombia.<sup>408</sup> The change in strategy included an additional \$1.3 billion aid package aimed more toward reducing drug trafficking and its associated violence<sup>409</sup> rather than the original intent of providing social and economic reform to rural areas<sup>410</sup> while reducing crop supply.<sup>411</sup>

U.S. involvement is credited with improving the internal security of Colombia and severely weakening drug trafficking organizations, as well as the FARC foreign terrorist organization.<sup>412</sup> Testimony before Congress claims public safety has improved and cites between 2002 and 2004, “homicides have fallen by 30 percent, massacres (the killing of three or more persons at one time) by 61 percent, kidnappings by 51 percent, and acts of terrorism by 56 percent.”<sup>413</sup>

In a working paper to be released from the Woodrow Wilson International Center for Scholars’ Mexico Institute, el Colegio de la Frontera Norte, and Arizona State University’s North American Center for Transborder Studies, the authors argue:

The state of security along the U.S.-Mexico border easily ranks as one of the most highly charged topics of public discussion and debate in both the United States and Mexico of the past several years. Concerns about global terrorism, potential threats posed by those entering the United States

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<sup>407</sup> Of interest, General Barry McCaffrey was Director of the U.S. Office of National Drug Control Policy during this time and instrumental to the U.S. policy in Plan Colombia. General McCaffrey is co-author of *Texas Border Security: A Strategic Military Assessment* that is referenced throughout this thesis. Beatriz Acevedo, with Dave Bewley-Taylor and Coletta Youngers, *Ten Years of Plan Colombia: An Analytical Assessment*, briefing Paper 16 (UK: The Beckley Foundation Drug Policy Programme, 2008), 3.

<sup>408</sup> Acevedo, with Bewley-Taylor and Youngers, *Ten Years of Plan Colombia: An Analytical Assessment*, 2.

<sup>409</sup> *Ibid.*, 3.

<sup>410</sup> *Ibid.*

<sup>411</sup> *Ibid.*, 9.

<sup>412</sup> U.S. Library of Congress, Congressional Research Service, *Colombia: Issues for Congress* by June S. Beittel, CRS Report RL32250 (Washington, DC: Office of Congressional Information and Publishing, March 18, 2011), 2.

<sup>413</sup> U.S. House, Committee on International Relations, *Plan Colombia: Major Successes and New Challenges*, Roger F. Noriega, Assistant Secretary for Western Hemisphere Affairs. *Statement Before the House International Relations Committee*, 109th Cong. 1st sess., May 11, 2005, (n.d.), [http://commdocs.house.gov/committees/intlrel/hfa21204.000/hfa21204\\_0f.htm](http://commdocs.house.gov/committees/intlrel/hfa21204.000/hfa21204_0f.htm).

illegally, and fears that skyrocketing violence in Mexico might “spillover” into the United States have led to dramatic policy shifts and significant new investments by the U.S. to “secure” the border.<sup>414</sup>

This research shows that hyper-violence emanating out of Mexico is infusing the political discourse within both the homeland and national security constructs and quickly escalating into global concerns of much more than drug trafficking alone.<sup>415</sup> The resultant narratives are driven by inaccurate metrics and are in need of an analytical framework that successfully deals with the full scope of the problem. Such a framework based on objective metrics demonstrated herein can inject the discourse with data on global terrorism trends, special interest alien entry, and cross-border violence incidents, and enable decision makers a realistic threat picture with which to make the important decisions on protecting the homeland.

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<sup>414</sup> Working paper to be released. Smcortez, “State of Security in the U.S.-Mexico Border Region,” On the Homefront Blog, entry posted August 24, 2012, <https://www.hsd1.org/hslog/?q=node/7625>.

<sup>415</sup> Grace Wyler, “The Mexican Drug Cartels Are A National Security Issue,” *Business Insider*, June 13, 2011, [http://articles.businessinsider.com/2011-06-13/politics/29966427\\_1\\_drug-cartels-powerful-criminal-organizations-drug-trade](http://articles.businessinsider.com/2011-06-13/politics/29966427_1_drug-cartels-powerful-criminal-organizations-drug-trade).

## APPENDIX A.<sup>416</sup>

2009 Southwest Border Task Force Recommended Definitions of Violence		
TYPE	DEFINITION	EXAMPLE
Criminal Violence	The criminal use of force or threat thereof occurring within the United States, as reported by state, local, tribal, or federal law enforcement agencies	Offenses involving force or the threat of force: as measured by the FBI Uniform Crime Reports (UCR). UCR currently includes four offenses: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault.  Other violent crimes not included within UCR reporting, to include kidnapping and extortion.
Border-related Organized Crime Violence	Any act of violence that takes place in the United States with links to cross-border crime such as drug, arms, cash, and alien smuggling/trafficking.	Violent abduction by human-trafficking organization that takes place away from the SWB.  Killings carried out by gangs involved in drug distribution away from the SWB.
Violence against Law Enforcement Agents	Any act of violence carried out against a U.S. federal, state, local, or tribal Law Enforcement Agent, in association cross border crime, but not organized or directed by a TCO.	“Rockings” (rock throwing) against U.S. Border Patrol  Vehicular Violence against U.S. Border Patrol  This category would also include violent acts associated with resisting arrest by federal, state, local and tribal law enforcement; as well as those carried out by illegal migrants being repatriated by Border Patrol and ICE agents.  It would not, however encompass offensive violence as directed by TCO leadership, as discussed below.

<sup>416</sup> Homeland Security Advisory Council, *Southwest Border Task Force Recommendations*, 15.

2009 Southwest Border Task Force Recommended Definitions of Violence		
TYPE	DEFINITION	EXAMPLE
Border Violence	Any act of violence which takes place, within 25 miles of the U.S. side of the border, which has links to cross-border crime such as drug, arms, cash or alien smuggling/trafficking or illegal migration	<p>Automobile-related violence associated with human smuggling</p> <p>A violent act that crosses the U.S.-Mexico border, or spans U.S.-Mexican territory</p> <p>Violence between drug traffickers bringing loads into the United States</p>
Spillover Violence	Violence that starts in Mexico as part of a conflict among cartels or between cartels and the Government of Mexico that carries over onto U.S. territory or threatens U.S. personnel or interests in Mexico	<p><b>There are no current examples of spillover violence</b></p> <p><i>A proximate</i> example would be a situation like that which occurred in Laredo, TX in 2005. At that time, a turf war between cartels in the Mexican city of Nuevo Laredo resulted in the deaths of 60 Mexican citizens over 6 months, and the kidnapping or killing of 30 Americans south of the Border. Concurrently, Laredo officials reported that on the U.S. side of the border, businessmen were being threatened by drug gangs demanding protection payments. Two homicides occurred in Laredo that involved suspected members of Mexican drug gangs, including one in which a deputy sheriff was shot and wounded by a suspect carrying an AK-47 assault rifle.</p> <p>Sinaloa cartel boss Joaquin “El Chapo” Guzman, has instructed associates to use deadly force, if needed, to protect trafficking operations north of the border. The message was allegedly delivered by Guzman in March to a gathering of associates in Sonoita, Mexico, south of the Arizona border.</p> <p>In the event that DHS observed evidence of a strategic campaign of violence—directed by a transnational criminal organization—to intimidate U.S. citizens, law enforcement agents, or public officials on U.S. territory, this would be classified as spillover violence. No such evidence exists, to date, though DHS contingency planning efforts currently underway are geared toward mitigating this type of extreme circumstance.</p>

## APPENDIX B.<sup>417</sup>



<sup>417</sup> Texas Department of Public Safety, “Operation Border Star Participants.”



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